

MICHIGAN.

Ellsworth C. Corbett to be postmaster at Reading, Mich., in place of Ellsworth C. Corbett. Incumbent's commission expired March 10, 1912.

Montague W. Ripley to be postmaster at Montague, Mich., in place of Montague W. Ripley. Incumbent's commission expired April 22, 1912.

Charles N. Spear to be postmaster at Pittsford, Mich., in place of Charles N. Spear. Incumbent's commission expired April 13, 1912.

MISSOURI.

Frank A. Hardin to be postmaster at Cabool, Mo., in place of Frank A. Hardin. Incumbent's commission expired March 10, 1912.

William H. Howe to be postmaster at Hardin, Mo., in place of William Howe, resigned.

James E. Nichols to be postmaster at Breckenridge, Mo., in place of George W. Goins. Incumbent's commission expired April 28, 1912.

NEW JERSEY.

Thomas J. Knight to be postmaster at Stanhope, N. J., in place of Thomas J. Knight. Incumbent's commission expired April 24, 1912.

NEW MEXICO.

T. V. Shelpman to be postmaster at Nara Visa, N. Mex., in place of George Bringle. Incumbent's commission expired May 26, 1912.

NORTH DAKOTA.

George F. Abelein to be postmaster at Anamoose, N. Dak., in place of George F. Abelein. Incumbent's commission expired April 29, 1912.

Iver O. Fosse to be postmaster at Mayville, N. Dak., in place of J. M. Stewart, resigned.

OHIO.

William J. Weirick to be postmaster at Loudonville, Ohio, in place of William J. Weirick. Incumbent's commission expired April 29, 1912.

OKLAHOMA.

George C. Barber to be postmaster at Prague, Okla., in place of George C. Barber. Incumbent's commission expired April 28, 1912.

PENNSYLVANIA.

Daniel M. Bennett to be postmaster at Bridgeville, Pa., in place of Daniel M. Bennett. Incumbent's commission expired May 14, 1912.

Jared H. Buckbee to be postmaster at Elkland, Pa., in place of Clark B. Bailey. Incumbent's commission expired February 10, 1912.

Harry L. Cooper to be postmaster at Edinboro, Pa., in place of Harry L. Cooper. Incumbent's commission expired May 23, 1912.

John S. Edmundson to be postmaster at Duquesne, Pa., in place of John S. Edmundson. Incumbent's commission expired May 7, 1912.

Albert M. Ehart to be postmaster at Wayne, Pa., in place of Albert M. Ehart. Incumbent's commission expired May 11, 1912.

Caroline E. Hall to be postmaster at Swarthmore, Pa., in place of Caroline E. Hall. Incumbent's commission expired April 24, 1912.

Chauncey S. Ickes to be postmaster at Boswell, Pa., in place of Forrest L. Ferrell. Incumbent's commission expired April 6, 1912.

John Leyshon to be postmaster at Farrell (late South Sharon), Pa., in place of John W. Miller, resigned. (To change name of office.)

John B. Moffitt to be postmaster at West Brownsville, Pa., in place of John B. Moffitt. Incumbent's commission expired April 29, 1912.

Louis F. Senn to be postmaster at Brackenridge, Pa., in place of Charles E. King. Incumbent's commission expired January 9, 1912.

SOUTH CAROLINA.

W. J. Adams to be postmaster at Dillon, S. C., in place of Thomas E. Husbands, resigned.

Alonzo T. Folger to be postmaster at Easley, S. C., in place of Alonzo M. Folger, resigned.

A. W. Knight to be postmaster at Bamberg, S. C., in place of Joseph P. Murphy. Incumbent's commission expired April 29, 1912.

TENNESSEE.

William B. Pickering to be postmaster at Carthage, Tenn., in place of William B. Pickering. Incumbent's commission expired May 15, 1912.

UTAH.

T. G. Wimmer to be postmaster at Greenriver, Utah, in place of Thomas L. McCarty, resigned.

VERMONT.

Charles S. Forbes to be postmaster at St. Albans, Vt., in place of George T. Childs, deceased.

WISCONSIN.

Adolph H. Jessell to be postmaster at Birnamwood, Wis., in place of Adolph H. Jessell. Incumbent's commission expired May 14, 1912.

William Vanzile to be postmaster at Crandon, Wis., in place of William Vanzile. Incumbent's commission expired May 4, 1912.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 27, 1912.

SURVEYOR OF CUSTOMS.

Samuel L. Daniels, sr., to be surveyor of customs for the port of Burlington, in the State of Iowa.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Cadet Joseph Francis Farley, jr., to be third lieutenant.
Cadet William Patrick Kain to be third lieutenant.
Cadet David Patterson Marvin to be third lieutenant.
Cadet Floyd Jesse Sexton to be third lieutenant.
Cadet Edward Mount Webster to be third lieutenant.
Second Lieut. of Engineers Lorenzo Chase Farwell to be first lieutenant of engineers.

PROMOTIONS IN THE NAVY.

Commander Charles P. Plunkett to be a captain.
Gunner James A. Martin to be a chief gunner.
Lieut. Commander Powers Symington to be a commander.
Lieut. (Junior Grade) Robert A. White to be a lieutenant.
Lieut. (Junior Grade) Frank H. Roberts to be a lieutenant.
Lieut. (Junior Grade) Lewis D. Causey to be a lieutenant.
Lieut. (Junior Grade) Henry G. Fuller to be a lieutenant.
Capt. Frank E. Beatty to be a rear admiral.
Second Lieut. Nedon A. Eastman to be a first lieutenant in the Marine Corps.
Second Lieut. Randolph T. Zane to be a first lieutenant in the Marine Corps.

POSTMASTERS.

ALABAMA.

W. E. Bosworth, Lafayette.

GEORGIA.

Robert L. Williams, Griffin.

MISSOURI.

Wilbur J. Clark, Hamilton.

Louis Haeffner, Valley Park.

Percy P. Hummel, Laddonia.

John M. Mathes, Aurora.

Thomas B. Milton, Carl Junction.

Phillip G. Wild, Spickard.

HOUSE OF REPRESENTATIVES.

Monday, May 27, 1912.

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we realize that we have not lived to the highest ideals in the past. We have done many things which we ought not to have done and left undone many things which we ought to have done. But a new day is before us. Thou knowest our weakness, the foibles of human nature. We pray for Thy forgiveness, that we may spend no time in vain regrets, but with new zeal, energy, and courage we may press toward the mark for the prize of the high calling of God, in Christ Jesus our Lord. Amen.

The Journal of the proceedings of Sunday, May 26, 1912, was read and approved.

CREEK INDIAN LANDS IN ALABAMA.

Mr. DENT. Mr. Speaker, I desire to call up the conference report on the bill (H. R. 16661) relating to the Creek Indian lands in Alabama.

The SPEAKER. The Clerk will read the conference report.

The Clerk read the conference report as follows:

CONFERENCE REPORT (NO. 759).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16661) to relinquish, release, remise, and quitclaim all right, title, and interest of the United States of America in and to all the lands held under claim or color of title by individuals or private ownership or municipal ownership situated in the State of Alabama which were reserved, retained, or set apart to or for the Creek Tribe or Nation of Indians under or by virtue of the treaty entered into between the United States of America and the Creek Tribe or Nation of Indians on March 24, 1832, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate and agree to the same with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following:

"That the United States of America hereby forever relinquishes, releases, and quitclaims all right, title, and interest in and to all the lands now held under claim or color of title by individual or private ownership or municipal ownership and situated in the State of Alabama which were reserved, retained, or set apart to or for the Creek Tribe or Nation of Indians or any member or members thereof, under and by virtue of the treaties entered into between the United States of America and the Creek Tribe or Nation of Indians on the 9th day of August, 1814, and at Washington on the 24th day of March, 1832, by which all the lands of said Creek Tribe or Nation of Indians east of the Mississippi River were ceded to the United States of America, as well as all lands so situated in the State of Alabama which may have been sold by the United States of America or under the authority of the same for the benefit of or in behalf of any Creek Indian or Indians, whether the conditions or reservations of sales were complied with or not, and whether or not patents were issued therefor by the United States; and in cases where patents have not been issued under the treaties aforesaid, the Commissioner of the General Land Office and the Commissioner of Indian Affairs shall cause to be made upon the records of their respective offices proper notations referring to this act and closing the cases: *Provided, however*, That nothing contained in this act shall be construed to affect or dispose of any right, claim, or title, if any, which any Indian of said Creek Tribe, or his or her heir or heirs, may have in or to any of said land.

"The true intent of this act is hereby declared to be to concede and abandon all right, title, and interest of the United States to those persons, estates, firms, or corporations who would be the true and lawful owners of said lands under the laws of Alabama, including the laws of prescription, in the absence of said interest, title, and estate of the said United States."

Amend the title by adding at the conclusion thereof the following: "and under and by virtue of the treaty between the United States of America and the Creek Tribe or Nation of Indians of the 9th day of August, 1814."

And the Senate agree to the same.

SCOTT FERRIS,
S. H. DENT, Jr.,
F. W. MONDELL,

Managers on the part of the House.

CHARLES CURTIS,
P. J. McCUMBER,
W. J. STONE,

Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill (H. R. 16661) to relinquish, release, remise, and quitclaim all right, title, and interest of the United States of America in and to all the lands held under claim or color of title by individuals or private ownership or municipal ownership situated in the State of Alabama which were reserved, retained, or set apart to or for the Creek Tribe or Nation of Indians under or by virtue of the treaty entered into between the United States of America and the Creek Tribe or Nation of Indians on March 24, 1832, submit the following report or written statement in explanation of the effect of the act agreed upon and recommended in the accompanying report:

The bill as agreed upon is substantially a redraft of the bill adopted by the House. While the form is somewhat changed,

the substance of the House bill is retained. The only substantial changes made are, first, the addition of the treaty between the United States and the Creek Tribe of August 9, 1814, and, second, a proviso declaring that this act shall not be construed to convey or dispose of the right that any member of the Creek Nation may have to the lands described in the bill.

This proviso, of course, adds nothing to the bill, since, as originally passed by the House and as now agreed on in conference, it is nothing more than a quitclaim on the part of the United States. This, of course, could not have the effect of disposing of the title of any third person.

The committee thought it necessary to include the treaty of August 9, 1814, as well as that of March 24, 1832, because in this treaty certain described lands in the State of Alabama were ceded by the Creek Nation to the United States; but in said treaty there were certain reservations to certain chiefs or warriors who had been friendly to the United States and had taken an active part in subduing the Indians. This reservation provided that upon voluntary abandonment of such reservations by such chiefs or warriors the right of possession and occupancy should devolve to the United States. As this treaty of 1814 is older by a good many years than the treaty of 1832, which was the treaty of cession of all the lands, and as it is the evident purpose of the Government not to assert any right itself to reservations made so many years ago for and on behalf of the Indians, and in order to fully settle the title to such reservations in the State of Alabama, so far as the Government is concerned, it was thought best to include this treaty of August 9, 1814, in the bill.

The incorporation of this treaty in the body of the bill necessitated, of course, a change to this extent in its title.

SCOTT FERRIS,
S. H. DENT, Jr.,
F. W. MONDELL,

Managers on the part of the House.

Mr. DENT. Mr. Speaker, I yield to my colleague, the gentleman from Alabama, Mr. CLAYTON.

Mr. CLAYTON. Before I proceed, I ask that the bill H. R. 16661 as it passed the House be read, so that the House will see that the bill which has been agreed upon by the conference committee is almost in language exactly as it originally passed the House. Certainly it is the same in substance, with no material change except the treaty of 1814 has been added.

The Clerk read the bill, as follows:

An act (H. R. 16661) to relinquish, release, remise, and quitclaim all right, title, and interest of the United States of America in and to all the lands held under claim or color of title by individuals or private ownership or municipal ownership situated in the State of Alabama which were reserved, retained, or set apart to or for the Creek Tribe or Nation of Indians under or by virtue of the treaty entered into between the United States of America and the Creek Tribe or Nation of Indians on March 24, 1832.

Be it enacted, etc., That the United States of America hereby forever relinquish, release, remise, and quitclaim all right, title, and interest in and to all the lands now held under claim or color of title by individuals or private ownership or municipal ownership and situated in the State of Alabama which were reserved, retained, or set apart to or for the Creek Tribe or Nation of Indians, or any member or members thereof, under or by virtue of the treaty entered into between the United States of America and the Creek Tribe or Nation of Indians at Washington on the 24th day of March, 1832, by which all the lands of the said Creek Tribe or Nation of Indians lying east of the Mississippi River were ceded to the United States of America, as well as all lands so situated in the State of Alabama which may have been sold by the United States of America or under authority of the same for the benefit of or on behalf of any Creek Indian or Indians, whether the conditions of such reservation or sales were complied with or not, and whether or not patents were issued therefor by the United States of America.

The purpose and intent of this act is to estop the United States of America from now or hereafter asserting any claim whatever to the lands now held under claim or color of title by individuals or private ownership or municipal ownership and situated in the State of Alabama which were reserved or set apart under the said treaty to or for the Creek Tribe or Nation of Indians, or any member or members thereof, in any manner or upon any condition whatever, as well as all lands so situated in the State of Alabama which may have been sold by the United States of America or under authority of the same for the benefit of or on behalf of any Creek Indian or Indians, whether patents were issued therefor or not.

The true intent of this act is hereby declared to be to concede and abandon all right, title, and interest of the United States to those persons, estates, firms, or corporations who would be the true and lawful owners of said lands under the laws of Alabama, including the laws of prescription, in the absence of said interest, title, and estate of the said United States.

That as to all of the lands reserved for the Creek Indians under said treaty of March 24, 1832, which have not been patented, the Commissioner of the General Land Office and the Commissioner of Indian Affairs shall cause to be made upon the records of their respective offices proper notations referring to this act and closing the cases.

Mr. CLAYTON. Mr. Speaker, this bill, H. R. 16661, was originally prepared by me, after conference with my colleagues, Messrs. DENT, BLACKMON, and HEFLIN, representing the districts in Alabama where lie most if not all of the lands which are involved in the original Creek Indian treaty.

This bill passed the House substantially in the form in which it is now presented by the conference report and substantially as just read.

When the bill went to the Senate it was not understood over there, and never was understood by the Senate until my colleague Mr. DENT went into conference with the Senate conferees, and finally persuaded the Senate conferees to adopt the House view of this matter.

After we passed this bill through the House, the Senate passed and sent over here the bill which sought to provide for the issuance of patents to the landowners down there, taking the view that that was a complete remedy and was all that would be necessary to afford relief to the landowners in Alabama. Of course, that was no remedy at all. It was worse than no remedy. It opened up troublesome questions and put the matter in far worse shape than if no legislation at all were had.

But after the Senate were acquainted with the correct view of the matter, which was fully developed in the hearings had before the House Committee on the Public Lands, in which hearings my colleagues, Messrs. HEFLIN, BLACKMON, DENT, and myself participated, the Senate has come to the House view, and has adopted in most particulars the language and substance of the House bill, and have added the treaty of 1814, which I think is well to be added. That treaty of 1814 does not seem to affect any lands in the districts of the Representatives who participated in the hearings of the House, but it does perhaps affect some of the lands in another district in Alabama, and we have no objection to making the bill cover the treaty of 1814. Of course, the title should be amended to conform to this one amendment.

This bill, H. R. 16661, was amended in the Senate on March 16 by striking from it all after the enacting clause and inserting in lieu of the bill stricken out the following:

That the United States hereby relinquishes all of its right, title, and interest in and to the lands set apart or allotted to the Indians under the Choctaw treaty of September 27, 1830, and the Creek treaty of March 24, 1832, and the Secretary of the Interior is authorized to issue patents, without awaiting applications therefor, to those shown by the records of that department to be entitled thereto: *Provided*, That this act shall not be construed to affect any right of the original Indian owners of said land or their heirs.

The insuperable objection to this Senate substitute or amendment is that the records and original papers in many cases involving different parts of these lands, have been either destroyed by fire, or otherwise lost, during the stretch of years constituting three-quarters of a century or more; and under this Senate amendment no relief would be afforded to the owners of these lands. My colleagues, Messrs. DENT, HEFLIN, and BLACKMON, made this clear in the hearings before the Committee on Public Lands on January 10 and 16, 1912. So I affirm, Mr. Speaker, without the fear of successful contradiction, that the Senate amendment would afford no relief to the landowners, but would keep alive the existing uncertainty or cloud upon their title, and would undoubtedly permit the Government to maintain suits for many parts of these lands. The bill as it passed the House and as agreed upon by the conferees quitclaims all right and title of the United States to all these lands.

Of course, as I explained to the House when this bill originally passed here, the United States has no title to any of these lands except the technical title, founded upon the fact that patents had not issued years ago when they should have been issued.

Another change that was made in the House bill was this: The House bill contained, on page 2, line 15, the statement that the United States is estopped. That was precautionary and was a reiteration, in effect, of what was said in another part of the bill. The House conferees yielded to what is, I think, a fastidious notion, and struck out those, it may be, unnecessary words. I am gratified to be able to state that the bill as originally suggested, drawn, and advocated, to afford relief to the people in Alabama in accordance with the plan suggested by my colleague and myself, has finally met with the intelligent consideration and approval of the Senate. [Applause.] I therefore move the adoption of the conference report.

Mr. PAYNE. I should like to ask the gentleman a question.

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from New York?

Mr. CLAYTON. With great pleasure.

Mr. PAYNE. I understand the gentleman to say that the bill reported from the conference is substantially the same as the original House bill?

Mr. CLAYTON. Yes.

Mr. PAYNE. But that the principal change is a reenactment of the treaty of 1814.

Mr. CLAYTON. That was one of the changes.

Mr. PAYNE. I understood that was the principal change.

Mr. CLAYTON. I think that may be said to be correct.

Mr. PAYNE. What is the treaty of 1814, and what is the reason for reenacting it now?

Mr. CLAYTON. My colleague, Mr. DENT, desires to answer that question.

Mr. DENT. We do not reenact the treaty of 1814; we simply include the land described in the treaty of 1814 as well as the land described in the treaty of 1832, because both treaties were made between the Government of the United States and the Creek Tribe of Indians and relate to the same subject matter. The treaty of 1832, which included all the lands east of the Mississippi River, might have been sufficient; but, as a matter of precaution, we also described the lands in the former treaty.

Mr. PAYNE. I understood the gentleman from Alabama to say that the other amendment is principally a choice of language between the House bill and the Senate.

Mr. DENT. That is all.

Mr. CLAYTON. The Senate in the main used substantially the House language. The Senate entirely receded from its position. The little bill or amendment which the Senate proposed when this bill went over there was entirely abandoned, because that bill or amendment was futile in its nature and afforded no relief. I am glad to say that the Senate, in its superior wisdom and exalted patriotism, rose to the occasion and adopted in substance the House bill.

Mr. PAYNE. I understand that the same spirit of exalted wisdom, and so forth—

Mr. CLAYTON. Patriotism, if you please, and not "and so forth." The Senate is never actuated by "and so forth," but by patriotism. [Laughter.]

Mr. PAYNE. And the gentleman thinks that the other amendment does not change the original bill?

Mr. CLAYTON. It does not. At least, Mr. Speaker, the Members of the House from Alabama are glad to get the relief afforded by this bill, and we think it is a relief that the House originally said that the people in Alabama were entitled to.

Mr. PAYNE. Of course I know that the gentlemen from Alabama would take care of their constituents. What I was looking after was the interest of the United States a little bit.

Mr. CLAYTON. The United States has not suffered.

Mr. CANNON. Will the gentleman yield?

Mr. CLAYTON. Certainly.

Mr. CANNON. I am not particularly familiar with the bill or the conference report. I see the conference report is signed by the gentleman from Oklahoma [Mr. FERRIS], the gentleman from Alabama [Mr. DENT], and the gentleman from Wyoming [Mr. MONDELL], and also by the three Senate conferees. If I understand the case, this conference report when agreed to will release not a real claim that the United States has—

Mr. CLAYTON. The gentleman is correct.

Mr. CANNON. But what is supposed by some to be a claim of a legal title that in fact the United States does not own and does not interfere in any way between individuals that have the title by setting up any such claim of title; that is, the parties litigate and settle between themselves. In this legislation the United States says, in effect:

We quitclaim any real or conceivable interest that the United States has in those lands.

Mr. CLAYTON. I may say to the gentleman from Illinois that if I had studied over the case a month how to express it in a sententious way, fully and clearly, I could not improve upon the statement made by the gentleman from Illinois.

Mr. CANNON. I gathered from what the gentleman said—

Mr. CLAYTON. The gentleman compliments me, and I am glad my utterances have been so well understood.

Mr. CANNON. I also understand that the gentleman spoke of reenacting these treaties, which were modified by the gentleman from Alabama [Mr. DENT]. Now, there is nothing in this bill, aliunde the matters just referred to, but a quitclaim on the part of the United States to these lands, and nothing that would entail any obligation whatever upon the United States, and nothing upon which to base a claim on the part of any Indian tribes or any individual or anybody else.

Mr. CLAYTON. There is no such claim on the part of the United States nor anybody else, nor can there be growing out of the old treaties or the legislation. It is simply to clear up the title in these lands that these people in Alabama have held, for the most part undisturbed in occupation and cultivation, for 75 years. There is no pretense but that they are the bona fide owners. There are happy homes on many of these lands, and some of our towns and villages are situated on some of these lands. It was never dreamed that anybody would assert any claim to them until about a year or so ago, when some action was brought by a district attorney down there which I do not think met with the approval of the land department.

Mr. CANNON. The gentleman's statement is entirely satisfactory to me.

Mr. CLAYTON. Under the leave to print I insert in the RECORD the following report made by my colleague [Mr. DENT] on this bill when it was originally before the House:

[House Report No. 357, Sixty-second Congress, second session.]

TITLE TO CREEK INDIAN LANDS IN ALABAMA.

Mr. DENT, from the Committee on the Public Lands, submitted the following report to accompany House bill 16661:

The Committee on the Public Lands, to which was referred the bill (H. R. 16661) to relinquish and quitclaim the title and interest of the United States in and to lands formerly owned by the Creek Tribe or Nation of Indians in Alabama, having met and carefully considered the same, together with the facts furnished by the office of the Commissioner of Public Lands and that of the Commissioner of Indian Affairs, as well as other testimony given at hearings had by the committee, respectfully recommend that the said bill do pass with the following amendment, to wit:

At the end of line 26, page 2, add the following paragraphs:
"The true intent of this act is hereby declared to be to concede and abandon all right, title, and interest of the United States to those persons, estates, firms, or corporations who would be the true and lawful owners of said lands under the laws of Alabama, including the laws of prescription, in the absence of said interest, title, and estate of the said United States.

"That as to all of the lands reserved for the Creek Indians under said treaty of March 24, 1832, which have not been patented, the Commissioner of the General Land Office and the Commissioner of Indian Affairs shall cause to be made upon the records of their respective offices proper notations referring to this act and closing the cases."

By a treaty entered into between the Government of the United States and the Creek Nation or Tribe of Indians on March 24, 1832, (7 Stat. L., 366) the said Creek Tribe of Indians ceded to the United States all of their land east of the Mississippi River. A further treaty entered into between the Government of the United States and the said Creek Nation or Tribe of Indians on the 7th day of August, 1856 (11 Stat. L., 699), confirmed the cession of these lands. There were certain reservations in the original treaty on behalf of the chiefs of tribes, the heads of families, and orphan children. Articles II, III, IV, and VI refer to these reservations, and are as follows:

"ART. II. The United States engage to survey the said land as soon as the same can be conveniently done, after the ratification of this treaty, and when the same is surveyed to allow 90 principal chiefs of the Creek Tribe to select one section each, and every other head of a Creek family to select one-half section each, which tracts shall be reserved from sale for their use for the term of five years, unless sooner disposed of by them. A census of these persons shall be taken under the direction of the President and the selections shall be made so as to include the improvements of each person within his selection, if the same can be so made; and if not, then all the persons belonging to the same town, entitled to selections, and who can not make the same so as to include their improvements, shall take them in one body in a proper form. And 20 sections shall be selected, under the direction of the President, for the orphan children of the Creeks and divided and retained or sold for their benefit as the President may direct: *Provided, however*, That no selections or locations under this treaty shall be so made as to include the agency reserve.

"ART. III. These tracts may be conveyed by the persons selecting the same to any other persons for a fair consideration, in such manner as the President may direct. The contract shall be certified by some person appointed by the President for that purpose, but shall not be valid till the President approves the same. A title shall be given by the United States on completion of the payment.

"ART. IV. At the end of five years all the Creeks entitled to these selections, and desirous of remaining, shall receive patents therefor in fee simple from the United States.

"ART. VI. Twenty-nine sections in addition to the foregoing may be located, and patents for the same shall then issue to those persons, being Creeks, to whom the same may be assigned by the Creek Tribe."

These reservations were to be disposed of by the chiefs and heads of families within a period of five years from March 24, 1832, by private sale, subject to the approval of the President of the United States. The sections reserved for the orphan children were to be retained or disposed of for their benefit under the direction of the President. There were further provisions to the effect that at the end of the five years all the Creeks entitled to select these reservations and desiring to remain in Alabama should receive patents therefor from the United States. It further appears that by the act approved March 3, 1837, the President was authorized to sell all of the reservations remaining unsold on the 4th day of April, 1837, at public auction in the Creek country and to cause patents to be issued. This sale was made.

In the opinion of the Department of Justice, it is held that whatever may have been the title of the Indians prior to the expiration of the five-year period fixed by the treaty of March 24, 1832, all claim, right, title, and interest of the Indians were, after that, divested out of them.

Representatives of the Land and Indian Offices who appeared before the committee state that there were about 990 cases involved in which purchases had been made in good faith and the money paid but patents were for some reason not issued. They further stated that out of the total number of cases the record disclosed only 14 which did not appear to have a perfect contract right under the law, and that, even in those cases, a further investigation would probably disclose that the original purchaser had bought in good faith. These lands, for the most part, were bought more than 70 years ago; and the present claimants have been in bona fide, open, and notorious possession, paying taxes thereon, during a long period of time—either by themselves or through those under whom they claim.

During all these years these lands have not been treated as a part of the public domain. They have not been subject to homestead entry. All of these people who own and occupy these lands have believed that they had a perfect right to them; and none of them had any thought to the contrary until just prior to a recent action of ejectment which was brought by the Government against the holder of one of these tracts. The Government of the United States has no equitable right or title to these lands. At most, it has merely a technical legal title owing to the fact that patents, which ought to have heretofore issued, have not been issued. And it is proper to say in this connection that even this merely technical title has not been attempted to be asserted by the Government during the lapse of about three-quarters of a century.

In view of the fact that the Creek Tribe or Nation of Indians have not any title whatever left in them, your committee is of the opinion that the Government should quitclaim whatever title remains in it.

In other words, the committee is of the opinion that, so far as the Government of the United States is concerned, there should be a complete relinquishment of its title.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill (H. R. 24565).

The SPEAKER. Before the Chair puts this motion he thinks it is proper to all concerned to make a short statement about the condition of affairs. This is District day, and the chairman, the gentleman from Kentucky [Mr. JOHNSON], is anxious to go on with the business of the District, and of course the District business ought to be attended to and must be attended to; but there is a general agreement among Members on both sides of the House to press matters before Congress at this particular juncture so as to get rid of the four appropriation bills—the naval appropriation bill, the Military Academy, the sundry civil, and the general deficiency bills.

By recognizing the gentleman from Tennessee [Mr. PADGETT] to make this motion, it is understood on the part of the Speaker and everybody concerned, that as quickly as we can get these appropriation bills out of the way, the District of Columbia Committee shall have its full day, and as far as the Chair is concerned, he is inclined to say if it takes more than one day that committee shall have time enough to get the necessary District business concluded.

This statement is made for the benefit of the Members of the House and for the benefit of the District Committee and for the benefit of the newspapers in the city of Washington, so that there will be no misunderstanding about it, and that everybody may know that there is no disposition to sidetrack District business.

Mr. CANNON. Mr. Speaker, suppose the present appropriation bill be completed to-morrow or Thursday or Friday, and there be no other appropriation bill ready, what then would happen under the rules of the House?

The SPEAKER. The Chair is of the opinion that if it did not happen to be Calendar Wednesday the House would give unanimous consent that the District Committee might have its day.

Mr. LLOYD. Mr. Speaker, I would suggest that there is an appropriation bill now on the calendar, the Military Academy appropriation bill, which is ready to be taken up.

Mr. CANNON. I would suggest to the gentleman from Kentucky [Mr. JOHNSON] that he ask unanimous consent that when this bill is concluded a day should be then given to the Committee on the District of Columbia, not to interfere with conference reports or appropriation bills, or any day that might come, except Calendar Wednesday. Then the agreement would be made.

Mr. FITZGERALD. Mr. Speaker, in view of the fact that the gentleman from Alabama [Mr. UNDERWOOD] felt constrained a few days ago to object to such a request made on behalf of the Committee on Pensions, I shall at this time be obliged to object.

The SPEAKER. The Chair thinks there will not be any difficulty about it.

Mr. CANNON. Then, let us exclude pension day also.

Mr. FITZGERALD. We might be tied up with a number of other matters.

Mr. CANNON. Mr. Speaker, I am interested in District business, and I propose to ask unanimous consent that on the completion of this bill the Committee on the District of Columbia shall have a day, not to interfere, first, with pensions; second, with appropriation bills or conference reports and, of course, Calendar Wednesday or unanimous-consent day, if that is desired.

Mr. FOSTER. If these are all included does the gentleman think there will be anything left?

Mr. FITZGERALD. Mr. Speaker, for the reasons stated a moment ago, I shall object.

The SPEAKER. The question is on the motion of the gentleman from Tennessee, that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill (H. R. 24565).

The Clerk read as follows:

The Secretary of the Navy is hereby authorized and directed to abandon and dispose of the naval reservations at San Juan and Culebra, P. R.; Port Royal, S. C.; New London, Conn.; and Sacketts Harbor, N. Y., and to transfer such property, machinery, and other material as may be of use in the Naval Establishment to other navy yards and stations; and he is further authorized and directed to dispose of the real estate in the manner most advantageous to the United States Government, and shall report to Congress the disposition of said material and real estate at its next regular session: *Provided*, That the real estate comprising the naval reservations at San Juan and Culebra, P. R., shall be transferred to the civil government of Porto Rico.

Mr. BYRNES of South Carolina. Mr. Chairman, I desire to amend lines 20 and 21, page 37, by striking out the words "Port Royal, S. C."

Mr. GOOD. Mr. Chairman, I reserve the point of order on the paragraph.

The CHAIRMAN. The Chair will state to the gentleman from South Carolina that his amendment is not in order until the point of order has been disposed of.

Mr. GOOD. Mr. Chairman, if there is no statement to be made in regard to it, then I make the point of order.

Mr. PADGETT. Mr. Chairman, I do not think it is subject to a point of order. It clearly comes within the rule. It is a matter of economy, getting rid of what we suppose to be unnecessary and expensive yards. This is to cut down the expense of maintenance. I think it is clearly not subject to a point of order.

I have some other things to say with reference to the amendment, when the point of order is disposed of.

The CHAIRMAN. Will the gentleman from Iowa please state the grounds of his point of order?

Mr. GOOD. It is new legislation. It might be said to be in the interest of economy if the Government in this bill authorized the sale of all of its battleships, but it would be new legislation.

Mr. PADGETT. But new legislation is in order now.

Mr. GOOD. The Holman rule can not be stretched into any such construction as that. This is authorizing the Secretary of the Navy to dispose of a great deal of land—a great many different sites.

Mr. PADGETT. Mr. Chairman, under the rule legislation is now in order on appropriation bills, if the direct effect of it is to economize and reduce expenses. The Committee on Naval Affairs has jurisdiction of the matters proposed to be legislated upon, and I want to state that the department has recommended this action, but has modified it with reference to a part of it, which, when we reach the question of the amendment, I shall take up.

Mr. HIGGINS. Will the gentleman state how far this modification goes?

Mr. PADGETT. I have a letter here from Acting Secretary of the Navy Winthrop, stating that Port Royal, S. C., be made a detention and training camp—

Mr. HIGGINS. Is that the only particular in which the department has changed its recommendations?

Mr. PADGETT. That is the only one they have communicated to me. I will state, however, to the gentleman that I understand that the gentleman has a suggestion he wants to make in connection with New London.

Mr. HIGGINS. The gentleman is correct.

Mr. PADGETT. Which perhaps will address itself to my favorable consideration.

The CHAIRMAN. The Chair is ready to rule. The gentleman from Iowa [Mr. Good] makes the point of order against the paragraph on the ground that it is new legislation. Under section 2 of Rule XXI, one provision is that a provision in a bill reported by a committee shall be germane and also shall in its effect retrench expenditures. The Chair is of opinion, according to the plain meaning of the paragraph which in its effect directs the abandonment and disposal of certain naval reservations, would be a retrenchment of expenditure, and therefore comes within section 2 of Rule XXI. The point of order is overruled.

Mr. BYRNES of South Carolina. Mr. Chairman, I ask to have my amendment reported.

The Clerk read as follows:

Amend, lines 20 and 21, page 37, by striking out the words "Port Royal, S. C."

Mr. BYRNES of South Carolina. Mr. Chairman, I trust that the committee will accept the amendment, because it is evident that the item is included in this bill through a misunderstanding as to the recommendation of the Secretary of the Navy. It is true that several years ago the Secretary recommended that Port Royal, together with other naval stations, be abandoned, and in the absence of congressional authority the department proceeded to "starve out" the station. I am informed that all the machinery and property which might be of service to other naval establishments has already been transferred and nothing but

the real estate is left. Since this recommendation was made by the Secretary, in fact, during the past year, the Secretary of the Navy decided to utilize this building for the purpose of establishing disciplinary barracks. For this purpose the buildings were put in shape at some expense, and several hundred men are now confined there. To sell this property under these circumstances would mean that it would be sold at a sacrifice and the Government be put to the expense of erecting new buildings for the same purpose at some other place. I believe that the Secretary has to-day written the chairman of the committee asking him to amend the bill as I have suggested, and, in the interest of economy, I ask that his suggestion be accepted and my amendment adopted.

Mr. PADGETT. Mr. Chairman, some time ago the department recommended the discontinuance and disposition of these places together with others, and the committee included these places, but I am in receipt of a letter from Mr. Winthrop as Acting Secretary of the Navy stating that recently the department has established a disciplinary barracks there or a training school for minor offenses, a kind of reformatory institution, so instead of sending sailors to prison they go to a reformatory or training school there and thereby it saves them the odium of a prison sentence. I think it is a good matter and I ask to insert this letter in the Record and that the amendment offered by the gentleman be agreed to.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to extend his remarks by inserting a letter in the Record. Is there objection? [After a pause.] The Chair hears none.

The letter is as follows:

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, May 25, 1912.

HON. L. P. PADGETT,
Chairman Committee on Naval Affairs,
House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: In August of last year the department established a disciplinary barracks at Port Royal, S. C., for the detention and training of enlisted men, both in the Navy and Marine Corps, found guilty of minor military offenses. It had for some time considered that it was not right to punish by prison sentence men guilty of certain offenses which were due to thoughtlessness, ignorance, or lack of training rather than to any vicious instinct. It is the intention of the department to return to the Navy such of the detentioners at Port Royal as demonstrate their fitness for service in the Navy. In other words, Port Royal is intended to be a corrective institution rather than a prison.

The number of detentioners in the barracks on May 18 was 267, but a far larger number, of course, have been sent there since the establishment of the barracks in August last. Thus far the plan has proved a success, and I consider it desirable to continue this station as a disciplinary barracks. I therefore request that the words "Port Royal, S. C.," be stricken from the naval bill where they appear on page 37, lines 20 and 21.

Sincerely, yours,

BRECKMAN WINTHROP,
Acting Secretary of the Navy.

The question was taken, and the amendment was agreed to.

Mr. HIGGINS. Mr. Chairman, I move to amend by striking out the words "New London, Conn.," where they appear on page 37, line 21.

The CHAIRMAN. The gentleman from Connecticut offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 37, line 21, strike out the words "New London, Conn."

Mr. HIGGINS. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut? [After a pause.] The Chair hears none.

Mr. HIGGINS. Mr. Chairman, one of the questions raised by my amendment to strike out "New London, Conn.," from this paragraph is distinctly a moral one. Does this Congress propose to break faith with the State of Connecticut and repudiate a solemn pledge made after careful consideration by scientific men and recorded in the laws of this country, in the statutes of Connecticut, and in the land records of that State?

The acquisition of this beautiful tract of land, with its extensive water front, for naval purposes did not cost the Federal Government one cent. The issue raised by my amendment is not one of economy, but one of keeping faith with the State of Connecticut. This country, in consideration of the gift of this magnificent property to it, agreed by legislative act to establish and maintain it for naval purposes. It was presented to the Federal Government for that purpose, and upon that condition it has been held.

The State of Connecticut has never been a raider of the Federal Treasury. It has never clamored for Federal appropriations, and from the earliest days it has contributed vastly more to the upbuilding of this Union than it has taken from it. Now, in this bill, without any regard to the facts, without any regard for the conditions, without any regard for the needs of the Navy, it is proposed to break faith with the State of Connecticut

and attempt to sell and dispose of something which this country can not give any title to.

This recommendation comes from the Naval Committee, and I venture the prediction that few, if any, members of that committee have ever seen this station. It is included in this bill at the suggestion of the Secretary of the Navy, who, in recommending it, does not assign a single good reason for such action and goes contrary to what the most experienced naval authorities in this country have held and do hold.

It is quite as important, if not more so, to the people of Brooklyn and New York City as it is to my people. Before it was established the Chamber of Commerce of the city of New York petitioned Congress, asking for it, and adopted strong resolutions urging it as a military necessity and as part of the defenses of New York, and that is urged now by every naval man who is worthy to command a ship or has any practical knowledge of naval tactics.

The history of the location of this station goes back to before 1862. At the direction of Congress in the early sixties the Secretary of the Navy appointed a naval board, composed of the most intelligent naval officers then in the service, to examine Narragansett Bay, the harbor of New London, and League Island, and to report back to Congress which would best serve the public interest. Commanders Stringham, Gardner, and Van Brundt and Chief Engineer Sanger composed this board, and to the report which they made was appended the following resolution:

Resolved, That the harbor of New London possesses greater advantages for a navy yard and naval depot than any other location examined by this board.

In 1864 Congress directed the Naval Committee of the House to visit the proposed site at New London to make a thorough investigation and report back to the House. They made a personal examination, and their report concluded in the following language:

The site near New London, presenting such great natural and economical advantages, has been tendered as a free gift to the Government. The committee recommend its acceptance, and for the purpose of locating thereat a navy yard and depot such as is contemplated by the naval authorities they recommend the passage of the accompanying bill for a public act.

Congress in 1867, convinced of the wisdom of locating a station at this point, passed the following resolution:

Resolved, That the Secretary of the Navy be, and he is hereby, authorized to receive and accept a deed of gift when offered by the State of Connecticut of a tract of land with not less than 1 mile of shore front on the Thames River, near New London, Conn., to be held by the United States for naval purposes.

The State of Connecticut appropriated \$15,000 for the purchase of this tract of land, and in addition the city of New London was authorized to appropriate any sum of money not to exceed \$75,000 for the purchase of land to be deeded to the Federal Government for naval purposes, and the city of New London joined with the State in the gift. I will print as an appendix to my remarks a certified copy of the deed, which conveyed this land to the National Government upon a distinct condition and for a definite purpose, and it was accepted by the Government upon that condition.

This conveyance was made on the 11th day of April, 1868, and this Government entered into possession and has been in possession ever since, holding it, as agreed, for naval purposes.

The legal proposition involved requires no discussion. Not only the land thus conveyed but the improvements, now a part of the realty which the Government made, will also revert to the original owners. Only \$253,852.47 has been spent on this station, both in the equipment and its repair, during the past 44 years, and this money has been well spent. The buildings are reported by the Secretary of the Navy as being in good condition. A dock over 800 feet long faces a channel over 600 feet wide. The water is of sufficient depth to float the largest ships of the American Navy, and upon the authority of one of our most distinguished admirals, now deceased, I can state to this House that he said that there would not be the slightest difficulty in taking a ship of the type and tonnage of the *Connecticut* up to that station, docking her, and turning her around.

In 1872, or shortly after the Government was presented with this property for naval purposes, the Secretary of the Navy in his report said:

I have heretofore spoken of the claims of the New London station on the liberality of Congress. Some of these are to be found in a good harbor, easy of access from all directions and conveniently situated between two great commercial cities, an industrious and an ingenious people, whose labor is skillful and cheap, and a site for the station already acquired through the liberality of the State, to the improvement of which the Government seems to be virtually pledged. It is already a station of convenience to the service and with moderate expenditure its use could be largely increased.

The last naval appropriation bill carried a provision similar in terms, but it was stricken out in the House upon my motion and I then explained, as I am attempting to do now, the condi-

tions which surround this station. And the Secretary of the Navy has had his attention called to the forfeiture in the deed.

Ample reasons exist for the continuance of this station other than the solemn moral and legal obligations which this Government assumed when it was established. As a result of the findings of the Belknap Board a coaling station was established there. That station is now fully equipped and the present Secretary of the Navy officially reported on February 20, 1911, that it was in good condition.

Secretary von Meyer's predecessors in office have in their annual reports all referred to this station as a necessary and essential part of our Naval Establishment. I will review what they have said quoting from their annual reports to Congress. Their judgment and opinion is not to be treated lightly and is founded upon an appreciation of the true conditions.

Secretary Long in 1899:

The expenses of the bureau at this station during the last fiscal year have been small, chiefly for coal, water, and ash lighters. New London being located near and inside of the outer defenses of the city of New York is a very important strategic point and affords a valuable harbor for torpedo boats and other small ships. It is also an important site for the storage of coal for war purposes. In accordance with the recommendation of the coal board, of which Rear Admiral Charles E. Belknap was president, buildings for the storage of 25,000 tons are now in process of construction.

Again, in 1900, Secretary Long said:

During the past year a modern coal-storage house constructed of granite and steel has been completed at this station. It is located conveniently for the transportation of coal to and from the pier built some years ago. Modern steam-power coal-conveying apparatus of the Brown type has been installed, the pier being strengthened as necessary for the purpose. During the past summer the *Teres* and several other smaller vessels coaled at this station and reported favorably on the facilities for so doing. It is contemplated to add coal pockets to this station, in order to enable torpedo boats to be coaled with great rapidity. Its location inside of the outer defenses of the port of New York renders this coal depot of much importance in time of war.

Again, in 1901, Secretary Long said:

This depot has been much used by small vessels during the past year. To make it more efficient, coal pockets or bunkers of moderate capacity have been constructed on the pier for the purpose of supplying torpedo boats and small craft rapidly. Incidentally, it also prevents the necessity of raising steam on the power plant every time one of these small vessels requires coal. The appliances for storing coal at this depot were the first built and are capable of improvement, which is contemplated in the near future.

In 1902 Secretary Moody said:

The coal depot at this station has been of much service to the fleet during the past summer; for the month of August the average number of ships receiving coal was more than one a day. The new coal pockets have been found very useful for coaling torpedo boats and small craft. Some improvements in the appliances of this depot, the necessity for which has been demonstrated by experience, are contemplated in the future. The capacity of the depot, without storing coal deep enough to endanger its safety from spontaneous combustion, is about 7,000 tons. Its importance is due to the fact that it is located just inside the outer defenses of New York City.

Secretary Moody in 1903 reports:

The coal depot at this station has done efficient service during the past year. No changes or extensive repairs have been made.

Secretary Morton, for the year 1904, reports:

An extension to the plant at this depot has been commenced under the supervision of the Bureau of Yards and Docks.

In 1905 Secretary Bonaparte reports:

Capacity, 11,300 tons. Water storage for ships' use, 100,000 gallons, in tanks.

This language of Secretary Bonaparte is followed in succeeding reports until the present Secretary of the Navy recommends its abolishment and proposes to sell that which the Government can not sell, for it does not possess it except for a stated purpose.

All naval experts, as well as Secretaries of the Navy, reported in favor of this station until Secretary Newberry, whose tenure of office in that position was very short; divided the subject of purchase, transportation and storage of coal, which had all been handled by the Bureau of Equipment since the Civil War, among five bureaus.

Now to follow the history of this station a little further, and this during the term of the present Secretary of the Navy, who now advocates and urges repudiation and recommends that this Government break its solemn pledge. Eighteen thousand dollars was spent at this station for Marine barracks within a few years. The buildings that were already on the property and had been for years were repaired, and in addition a Marine training school was established. The coaling station was, however, continued and is now in good working form.

It was generally considered by those the best able to judge that it afforded an ideal location for a Marine training school. There is an abundance of fresh water available on this property. The New York, New Haven & Hartford Railroad bisects it. It is easily accessible to all eastern centers of population; but even after the expenditure of this money for the Marines, their satisfaction with the surroundings, and with no reason assigned, they were shipped elsewhere and this school was aban-

doned. Two or three men now hold the fort at this naval station. But \$21,626.12 has been spent on this property in 44 years for repairs, and the Secretary now reports the buildings in good condition. It has been abandoned for naval purposes, so far as the Secretary of the Navy can do so without legislative action. This was done soon after Congress refused to pass legislation to abandon it. The present cost of maintenance of this station is a mere bagatelle as compared with the expense which the Secretary of the Navy proposes in dismantling it. And why dismantle it at all?

Mr. AUSTIN. Mr. Chairman, I would like to ask the gentleman what would be the saving if this station were abolished.

Mr. HIGGINS. My dear sir, the saving would be a mere bagatelle. In fact, it would increase the cost to the Government. I do not think that this provision comes within the Holman rule. No money would be saved by its abolishment. There are two or three men who are holding the fort there now, but I am not speaking for those two or three men. The Secretary of the Navy is trying and has tried to do away with that station, but why I do not know. It is being starved out now as much as it can be. I have heard some reasons given as to why, which I would not care to express upon the floor of the House at this time. I would not urge the continuance of this station if ample scientific authority did not recommend its continuance. There ought to be some definite business policy adhered to for a sufficient length of time for us to demonstrate its wisdom. These sporadic recommendations do not and will not accomplish the purpose sought.

The eastern defenses of New York lie off New London Harbor. There is no coaling station west until you get to Brooklyn. There is no coaling station east until you get to Narragansett. In the event of war any fleet protecting New York from the east would rendezvous at New London Harbor, which can float the navies of the world. These eastern forts are now supplied from New London. This station lies within sight of the harbor and but 2 miles from it. It does not require scientific knowledge to appreciate the strategic value of this station. It has been said that strategy was only common sense, and that is all that I ask should be applied to this proposition. We ought to profit somewhat by our experiences during the Spanish War. The Belknap Board appreciated the value of this station to the Navy. Their reasons and arguments have never been controverted. They can not be successfully. The action proposed is not only unjust but unreasonable and unsound as a military proposition.

Connecticut stands ready, as she always has, to bear her part of the burdens of the national defense. Her gift of this tract of land is only one of many acts which have demonstrated her patriotism and unselfishness. She seeks at all times to cooperate with the Federal Government and not to defy it; but this proposed action is so unwarranted by any test that you may choose to apply, is so founded upon injustice, that its adoption will work a graver injury than the mere abolishment of what misguided and uninformed persons choose to call a useless naval station.

If this is proposed under the guise of economy, great disappointment is in store for the advocates of the proposition. If it is deemed as not being essential to our military establishment, I say to you that if war does come, and may God forbid it, that in the hurry of urgent and vital necessity a coaling station will be improvised at or near this point, and the very lack of it at a critical time will expose Long Island Sound to invasion with consequences that I do not want to contemplate. [Applause.]

The Secretary of the Navy, in a report under date of February 20, 1911, as to the condition of this station, reported as follows:

New London.

No.	Character.	Cost.	Condition.	Use.
1	Brick.....	\$9,000.00	Fair.....	Storehouse and offices.
2	do.....	9,000.00	do.....	Storehouse and pumping room.
3	do.....	18,000.00	Good.....	Marine barracks.
4	Wood.....	700.00	Poor.....	Machine shop.
5	do.....	800.00	Fair.....	Watch house.
6	do.....	2,000.00	do.....	Stable.
7	Steel.....	70,000.00	Good.....	Coal shed.
8	do.....	22,500.00	do.....	North bridge tramway.
9	do.....	22,500.00	do.....	South bridge tramway.
10	Steel tower, wood tank.	4,473.00	do.....	Water tank and tower.
11	Wood.....	3,000.00	do.....	Coal pockets.
12	do.....	5,432.10	do.....	Do.
13	do.....	24,321.25	do.....	Do.
A	do.....	1,500.00	Poor.....	Quarters.
C	do.....	4,000.00	Fair.....	Do.

Original cost of buildings.....\$232,226.35
 Expenditures for repairs.....21,626.12
 Total.....253,852.47

The deed by which the Government holds title to this station is as follows:

Whereas by an act of the General Assembly of the State of Connecticut entitled "An act in addition to and in alteration of an act entitled 'An act concerning land,'" approved July 27, 1867, it is provided as follows:

Whereas the Congress of the United States, by act approved March 2, 1867, has authorized and directed the Secretary of the Navy "to receive and accept a deed of gift here offered by the State of Connecticut of a tract of land on the Thames River, near New London, Conn., with a water front of not less than one mile, to be held by the United States for naval purposes; and

Whereas this State is desirous of cooperating with the Federal Government in its purpose to locate a navy yard, naval depot, or naval establishment upon said Thames River: Therefore be it

Enacted by the senate and house of representatives in general assembly convened:

SECTION 1. That his excellency, the governor, be, and he is hereby, authorized to appoint the commissioners to select and designate the tract of land so to be conveyed, and to request the Secretary of the Navy to appoint some officer to act with said commissioners in behalf of the United States in the selection of said tract.

SEC. 2. The city of New London is authorized to acquire title to said land, by purchase or otherwise, in trust, and for the purpose of conveying the same to the United States.

SEC. 3. And in case the city can not agree with the party in interest relative to the purchase of said interest, the city may proceed in all respects as provided in sections 50, 51, 52, and 53 of the act entitled "An act for the cession of jurisdiction over certain lands to the United States."

SEC. 4. And when said city has obtained title to the land designated as aforesaid the mayor of said city shall inform the comptroller of this State, and said comptroller, upon being satisfied thereof, shall sign an order upon the treasurer of this State, payable to the city of New London, for the sum of \$15,000, to aid in the purchase of said land, and said treasurer shall pay said order to the mayor of said city or its legally authorized agent or attorney.

SEC. 5. And the said commissioners appointed by the governor shall join with said city as agents of the State in the conveyance of the said land to the United States and the cession of jurisdiction thereto for naval purposes.

SEC. 6. The city of New London, at a meeting called for the purpose, may appropriate any sum of money, not exceeding \$75,000, for the purchase of land designated as aforesaid.

SEC. 7. Section 48 of the act to which this is an alteration and addition is hereby repealed.

SEC. 8. And the appropriation of the State in aid of the land aforesaid made hereby shall be in lieu of all appropriations heretofore proposed to be made.

Approved July 27, 1867.

And whereas the governor of said State by authority of said act appointed Charles R. Ingersoll, of New Haven; Lorenzo Blackstone, of Norwich; and Ephriam Williams, of Stonington, in said State of Connecticut, to select and designate the tract of land to be conveyed to the United States as therein contemplated; and

Whereas said commissioners in cooperation with Commander J. P. McKinstry, an officer of the United States Navy appointed thereto in behalf of the United States by the Secretary of the Navy, have selected and designated for the purposes in said act declared a tract of land on the Thames River near New London, in the towns of Groton and Ledyard in said State of Connecticut, a particular description of which is hereinafter set forth; and

Whereas the city of New London has acquired to said tract of land so selected and designated as aforesaid, as authorized and by virtue of said act. Therefore for the purpose of conveying to the United States the title to said land, so acquired as aforesaid, and ceding to the United States the jurisdiction of the State of Connecticut over the same as provided in said act

Know all men by these presents:

That the State of Connecticut, acting hereby by Charles R. Ingersoll, Lorenzo Blackstone, and Ephriam Williams, commissioners appointed hereto as aforesaid, and the mayor, aldermen, common council, and freemen of the city of New London, acting herein by Hon. Frederic L. Allen, mayor of said city of New London, their duly authorized agent for the purpose, in consideration of the premises and of \$1 and other valuable considerations received by them to their full satisfaction of the United States of America do give, grant, bargain, and sell and confirm unto the said United States of America the following tract of land (described) in the towns of Groton and Ledyard, in said State of Connecticut, bounded westerly on the Thames River and contained within the lines hereinafter mentioned and particularly delineated on a map of said tract of land made by David A. Daboll, surveyor, dated the — day of November, A. D. 1867, and to accompany this deed; that is to say,

Beginning at a mere stone marked —0— on the east shore of the Thames River on land of Jonathan Colver, being 150 feet northerly of the Pentway, so called, which point is marked "A" on the said map; thence N. 89° E. crossing the river road, so called, 650 feet to a mere stone marked —0— in said Colver's orchard and continues the same course 4½ feet to a point in said orchard (the aforesaid line called AB); thence N. 13° W. on land of said Colver about 1,570 feet to a point on Fort Rock, so called, which point is 4½ feet east of a stone marked —0— (call said last line BC); thence N. 3° E. about 1,543 feet partly on land of said Colver and partly on land lately owned by Courtland Chapman to a point 4½ feet east of a mere stone marked —0— on land lately owned by said Chapman (call said last line CD); thence N. 32° E. about 2,160 feet partly on land lately owned by said Chapman and partly on land lately owned by Solomon Perkins to a point on said Perkins' land 4½ feet easterly of a mere stone marked —0— (call said last line DE); thence N. 84° W. 4½ feet to said mere stone, and continue the same course about 680 feet, crossing said river road to a mere stone marked —0— on the shore of the Thames River (this point is marked F on said map); thence southerly bounding by and with said Thames River about 351 rods to the place of beginning, to be held by the said United States for naval purposes as contemplated by said act of Congress of the United States relative thereto, approved March 2, 1867, and the act of the General Assembly of the State of Connecticut hereinbefore mentioned, reserving the right to remove all the buildings from said described tract before the 1st day of July, A. D. 1868.

To have and to hold the aforesaid premises with all the appurtenances thereof unto the said United States and their assigns for naval

purposes, according to the provisions of said act of Congress and the act of the General Assembly of said State of Connecticut hereinbefore mentioned.

And the said mayor, aldermen, and common council and freemen of said city of New London do covenant with the United States and their assigns that they have full power and authority to grant and convey said premises as aforesaid, and they do for themselves, their successors, and assigns, covenant with the said United States and their assigns to warrant and defend the same to the said United States and their assigns against any person and persons claiming by, from, or under them and from all incumbrances done or suffered by them.

And the said State of Connecticut does here cede to the United States of America all jurisdiction over said land hereby conveyed within the limits hereinafter set forth and described, only reserving to the said State of Connecticut the right to serve and execute all civil criminal process therein.

In witness whereof the said grantors have hereunto set their hands by their agents duly authorized thereto as aforesaid and have caused their respective seals to be affixed on this 11th day of April, 1868.

[SEAL.]

J. R. INGERSOLL,
LORENZO BLACKSTONE,
EPHRIAM WILLIAMS,
Commissioners as aforesaid.

Signed, sealed, and delivered in presence of—

ABRIL CONVERSE,
CALEB MIX, JR.,
LUTHER R. CASE.

[SEAL.]

FREDERICK L. ALLEN,
Mayor and agent of said city of New London,
duly authorized as aforesaid.

Witnesses to L. C. Allen, for New London—

ABRIL CONVERSE,
I. W. SMITH.

STATE OF CONNECTICUT,
New Haven County, New Haven, ss:

Be it known that on the 11th day of April, A. D. 1868, before me, Abril Converse, a notary public by lawful authority, duly commissioned and sworn and residing in said State, comes the said State of Connecticut by and in person of said commissioners, Charles R. Ingersoll, Lorenzo Blackstone, and Ephriam Williams, who have signed the foregoing deed in my presence as such commissioners and acknowledged the same to be their free act and deed of said State of Connecticut.

In testimony whereof I have hereunto set my hand and fixed my notarial seal the day aforesaid written.

[SEAL.]

ABRIL CONVERSE,
Notary Public.

STATE OF CONNECTICUT,
New London County, New London, ss:

Be it known that on this 17th day of April, 1868, before me, Abril Converse, a public notary in aforesaid State of Connecticut by lawful authority, duly appointed and sworn and residing in said State, and the mayor, aldermen, common council, and freemen of the city of New London, and in person of Frederick L. Allen, mayor and agent of said city of New London, thereunto duly authorized and by a vote of said city, and acknowledged the same to be their free act and deed of said city of New London.

In testimony whereof I have hereto fixed my hand and seal and affixed my notarial seal the day before written.

[SEAL.]

ABRIL CONVERSE,
Notary Public.

Received for record January 26, 1901, at 11 o'clock a. m.

[SEAL.]

J. A. MORGAN,
Assistant Town Clerk.

OFFICE OF THE TOWN CLERK OF GROTON.

STATE OF CONNECTICUT,
County of New London, ss:

I, Henry L. Bailey, town clerk of said town of Groton, it being an office of record, with a seal, which is hereto affixed, the records and seal of which office I have the custody, do hereby, in the performance of my duty as said clerk, certify and attest, that the hereunto attached instrument is a true and correct copy of record as will appear in volume 41, pages 609-612, of Groton records.

Witness my hand and the seal of said town of Groton, in said county and State, this 8th day of February, 1911.

Attest:

[SEAL.]

HENRY L. BAILEY,
Town Clerk.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HIGGINS. Mr. Chairman, I ask unanimous consent for three minutes more.

The CHAIRMAN. The gentleman from Connecticut [Mr. HIGGINS] asks unanimous consent for three minutes more. Is there objection?

Mr. PADGETT. I think I can dispose of the matter for the gentleman if he will simply extend his remarks.

Mr. HIGGINS. Mr. Chairman, I withdraw my request for additional time and ask unanimous consent to extend my remarks in the RECORD.

Mr. HILL. Mr. Chairman, I move to strike out the last word.

Mr. PADGETT. Mr. Chairman, I think I can expedite the matter. I want to say that some time ago the department made a recommendation to abolish various yards, among them the ones included in this paragraph, but since that time the department has appointed a board composed of Navy officers and Army officers to take up and consider the whole scheme and project of a reorganization of the navy yards of the country, including the larger ones and the smaller ones. Then they sent me the letter which I put in the RECORD with reference to the changes they have made at Port Royal and the new work they have established there.

And it is also called to our attention that we have not yet established finally our policy, so far as the Caribbean Sea is concerned and the San Juan and Culebra yards there. If we release that land it goes back to the civil government, and in view of these recent changes and developments I am going to enlarge the motion, and move to amend by striking the whole paragraph out.

The CHAIRMAN. The question is on the amendment of the gentleman from Tennessee to strike out the entire paragraph.

The question was taken, and the amendment was agreed to.

Mr. HIGGINS. Did I understand the gentleman from Tennessee to say that a board had been created now by the Secretary of the Navy proposing to make some recommendations as to these yards?

Mr. PADGETT. With reference to all of the yards—the whole yard system of the country. It has been operating, I think, for some time.

Mr. HIGGINS. If we can get some scientific system, based upon facts, in the department as constituted now, with reference to these navy yards, naval stations, and coaling stations, I think it would be very wholesome and work to the lasting benefit of the Navy, and I had an amendment to do that very thing, which I had expected to offer, but in view of the statement of the chairman of the Naval Committee I will not offer it now.

Mr. PADGETT. That is being worked out now in the way I have stated.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. COLLIER having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On May 20, 1912:

H. R. 12013. An act to authorize the Secretary of the Treasury to convey to the city of Corsicana, Tex., certain land for alley purposes;

H. R. 13774. An act providing for the sale of the old post-office property at Providence, R. I., by public auction;

H. R. 22301. An act authorizing the Secretary of the Treasury to convey to the city of Uvalde, Tex., a certain strip of land;

H. R. 22731. An act to extend the time for the construction of a dam across the Pend Oreille River, Wash.; and

H. R. 23407. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across Levisa Fork of the Big Sandy River.

On May 22, 1912:

H. R. 22343. An act to require supervising inspectors, Steamboat-Inspection Service, to submit their annual reports at the end of each fiscal year.

On May 27, 1912:

H. R. 14052. An act authorizing the Secretary of Agriculture to issue certain reports relating to cotton;

H. R. 19238. An act to amend section 90 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and for other purposes;

H. R. 21590. An act to authorize levee and drainage district No. 25, of Dunklin County, Mo., to construct and maintain a levee across a branch or cut-off of St. Francis River, and to construct and maintain a levee across the mouth of the Varney River, in the State of Missouri;

H. R. 18335. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 18337. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 18954. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 18955. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Contingent, Bureau of Medicine and Surgery: For tolls and ferriages; care, transportation, and burial of the dead; purchase of books and stationery, binding of medical records, unbound books, and pamphlets; hygienic and sanitary investigation and illustration; sanitary and hygienic instruction; purchase and repairs of wagons, automobile am-

balances, and harness; purchase of feed for horses and cows; trees, plants, garden tools, and seeds; incidental articles for the Naval Medical School and naval dispensary, Washington; rent of rooms for naval dispensary, Washington, D. C., not to exceed \$1,200; naval medical supply depots, sick quarters at Naval Academy and marine barracks; washing for medical department at Naval Medical School and naval dispensary, Washington; naval medical supply depots, sick quarters at Naval Academy and marine barracks, dispensaries at navy yards and naval stations, and ships; and for minor repairs on buildings and grounds of the United States Naval Medical School and naval medical supply depots; for the care, maintenance, and treatment of the insane of the Navy and Marine Corps on the Pacific coast, and all other necessary contingent expenses; in all, \$82,000.

Mr. TILSON. Mr. Chairman, I move to strike out the last word. On page 39, lines 5, 6, and 7, I see a provision for "rent of rooms for naval dispensary, not to exceed \$1,200." Is that something new?

Mr. PADGETT. It is new in this respect. In the growth of business and in the accumulation of documents, and so forth, the authorities have certified to the Navy Department that the weight of the load stored away in the building up here—in the Naval Annex, the Mills Building—has become so heavy that it is endangering the building. Consequently, the Secretary is compelled to move some of the force out of that building, and in order to do so he must rent another one in which to accumulate and take care of the supplies. Here is a letter to me, dated April 12, in which he says:

I have the honor to transmit herewith a copy of a report received from the superintendent of the State, War, and Navy Department Building, calling attention to the fact that some of the rooms in the Navy Department Annex (Mills Building) are dangerously overloaded. Immediately upon the receipt of this report, instructions were given to remove the overload as far as possible by rearrangement of furniture and the transfer of inactive files of papers to the navy yard, Washington, D. C. The Bureau of Medicine and Surgery has reported that when it moved into the Mills Building, less than two years ago, only active files were taken there, and that none of the papers in rooms 701 and 703 can be spared. In order to remove the overload in these two rooms the bureau has suggested that the three rooms in the Mills Building now assigned to the naval dispensary be assigned to the bureau and quarters found elsewhere for the naval dispensary. It will be necessary to rent quarters for the naval dispensary, and inasmuch as the act of March 3, 1877, prohibits the renting of any building or the part of a building in the District of Columbia until an appropriation therefor shall have been made in terms, it is recommended there be restored to the appropriation "contingent, medicine and surgery, 1913," the provision formerly carried in the appropriation "for rent of rooms for naval dispensary, Washington, D. C.," to be inserted—

And so forth.

Mr. TILSON. Mr. Chairman, the explanation is entirely clear and satisfactory, and I withdraw the pro forma amendment.

The Clerk read as follows:

That a Medical Reserve Corps, to be a constituent part of the Medical Department of the Navy, is hereby established under the same provisions, in all respects (except as may be necessary to adapt the said provisions to the Navy), as those providing a Medical Reserve Corps for the Army, and as set forth in the act to increase the efficiency of the Medical Department of the United States Army, approved April 23, 1908.

Mr. FOSTER. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. HOWARD. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The amendment is not in order until the point of order is disposed of.

Mr. FOSTER. Is not this new legislation?

Mr. PADGETT. Yes; it is new legislation. It is subject to a point of order if it should be made. But I want to say that it does not involve any expense. A similar institution is provided for in the Army. This is proposed in order to enable the department—

Mr. SLAYDEN. What is it?

Mr. PADGETT. It is a Medical Reserve Corps, similar to that provided for in the Army. Dr. Stokes, the Surgeon General of the Navy, states that it is desirable that we should have a reserve organization of physicians and surgeons throughout the country, to have them identified with the Navy as they are with the Army. There is no appropriation, no salary, no expense involved; simply a connection, so that if war should break out or an emergency should arise, and Congress should authorize it, the Medical Department of the Navy could be in immediate communication with these men and bring them to the aid and support of the Navy.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Texas?

Mr. PADGETT. Yes, sir; I yield the floor to the gentleman.

Mr. SLAYDEN. I wanted to make a brief statement.

Mr. Chairman, what the gentleman says has no doubt been told to him, but ultimately it will involve increased appropriations. The Army had contract surgeons, and still has a few, but there have been gradually substituted for them medical reserve officers, who have gone into the Army, and little by little, with increasing celerity, too, the contract surgeons have been

taken out of the service and regularly commissioned Army surgeons have been substituted for them.

Now, the additional cost that will come from that will be due to this fact, largely: In the first place, they get a rapid promotion at fixed intervals and more pay than the contract surgeon gets, and, in the second place, after having had a certain number of years' service, they will go on the retired list, which a contract surgeon did not do. Any gentleman will see upon a moment's reflection that that will increase the expenses of the service.

Mr. PADGETT. But this does not put them on the active list or on the retired list.

Mr. SLAYDEN. Neither was that done in the Army, but they take the places of the contract surgeons, and they have retiring privileges.

Mr. PADGETT. This provision does not carry any appropriation and it does not identify them in a strictly official sense with the organization of the Navy.

Mr. SLAYDEN. I am not contending that it may not be wise. I am only contending that the statement of the gentleman that it will not involve any additional expense is not accurate.

Mr. PADGETT. I say it will not involve any additional expense unless Congress hereafter by legislation authorizes their payment or authorizes their enlistment in some way.

Mr. SLAYDEN. Have you contract surgeons in the Navy now?

Mr. PADGETT. No, sir.

Mr. SLAYDEN. You have no contract surgeons?

Mr. PADGETT. No.

Mr. SLAYDEN. It may be a wise thing, Mr. Chairman. I am not prepared to say that it is not. But when we make provision for a class of men to go on the retired list it is going to increase the expenses, no matter what gentlemen may say about it.

Mr. TRIBBLE. Will it not be true that as the years go round these men will be knocking at the doors of Congress to be put on the retired list by a special bill?

Mr. PADGETT. I think not. This is simply to get the highest class of surgeons and physicians in the country on a list, so that, should an emergency arise, these men will be available for the Navy. I do not imagine that that class of men, the eminent physicians and surgeons throughout the country, would surrender their practice for the purpose of coming into the Navy unless it was from a patriotic motive or patriotic purpose, if an emergency arose, such as war. I contemplate no condition that would be inimical to the best interests of the country or of the Navy at all.

Mr. FOSTER. This is intended simply to have these physicians and surgeons as a reserve that may be called upon?

Mr. PADGETT. Yes; should Congress authorize it.

Mr. FOSTER. Is it intended, under this provision, that the surgeons of the Navy shall be in consultation with this reserve corps in reference to matters medical concerning the Navy?

Mr. PADGETT. The Surgeon General thought that the surgeons of the Navy would get the benefit of their service, but it would involve no pay. It would simply mean that, courtesy and contact with these men in the reserve corps being established, he would feel at liberty to consult with them as you would with your neighbor. It does not involve a consultation with resulting fees.

Mr. FOSTER. The gentleman is undoubtedly aware of the fact that under the present law a surgeon is not taken into the Navy beyond a certain age?

Mr. PADGETT. Yes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PADGETT. This is on a point of order, and the five-minute rule does not apply.

Mr. FOSTER. I would like to be recognized, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. FOSTER. They are not appointed in the Navy when they are above a certain age. I take it that this Reserve Corps will not be so limited.

Mr. PADGETT. That is correct.

Mr. FOSTER. This is similar to the provision for the Reserve Corps in the Army, is it?

Mr. PADGETT. Yes; upon identically the same basis.

Mr. FOSTER. So that they may make surgeons members of the Reserve Corps in the Navy when they are beyond the age at which they are taken into the Navy as surgeons. That is true, is it not?

Mr. PADGETT. I so understand.

Mr. FOSTER. So that in time of war there might be surgeons who would be members of the Medical Reserve Corps of the Navy who would be beyond the age for service in the Navy as now provided.

Mr. TALBOTT of Maryland. Who would not be eligible to appointment.

Mr. PADGETT. Yes; they might come in. This is mostly for consultation—

Mr. FOSTER. It is largely for the purpose of consultation and getting the ideas of the surgeons of the country in private practice, for the good they may do the surgeons in the Navy.

Mr. PADGETT. I so understand it.

Mr. FOSTER. So that there will be cooperation between physicians in private practice and those who are in the service of the Navy.

Mr. PADGETT. And give the Navy the benefit of their cooperation and coordination.

Mr. FOSTER. I withdraw the point of order.

Mr. HOWARD. Mr. Chairman, I should like to get some information from the chairman with reference to this particular section. As I understand its provisions, it is practically the same as was enacted in 1908 for the Army.

Mr. PADGETT. It is identically the same provision, changed so as to adapt it to the Navy.

Mr. HOWARD. As I understand the terms of that provision, the appointment of these surgeons in the reserve corps is simply honorary, and in time of war the Government can call upon these surgeons for their services. The regular surgeons in the Navy will, of course, be engaged in their active duties, and these others are supposed to be held in reserve, so that when the hospital ships bring in the sick and wounded they can care for them.

Now, I want to ask what provision is made for dental surgeons in this section, or is there any provision made?

Mr. PADGETT. You will remember that the other day we offered as a committee amendment a provision for dental surgeons, and it went out upon a point of order. I will state to the gentleman that before the conclusion of the bill I am going to ask unanimous consent to return and reoffer it, to see if upon reflection and further investigation of the matter those who objected to it before may not be willing to let it go in.

Mr. HOWARD. Will the gentleman state, for the information of the House, whether the Navy Department has any dental surgeons at all now?

Mr. PADGETT. The Navy has a makeshift arrangement.

Mr. HOWARD. Do not the men have to pay for the service?

Mr. PADGETT. The Navy has no dental corps, and it needs one very much. The committee reported a dental-surgeon bill, which is on the calendar, and by authority of the committee I offered it earlier in the consideration of this bill, but it was objected to and went out on a point of order. A dental corps exists in the Army, and the provision that we reported and asked to incorporate in the bill was identical with the Army provision. With the more than 60,000 men that we have in the Navy, and with no dental corps, the efficiency, health, and even the lives of the sailors are unnecessarily jeopardized by this lack.

Mr. HOWARD. Under the present law the Army gets the benefit of dental surgery.

Mr. PADGETT. Yes.

Mr. HOWARD. But the Navy does not; and if the men get the benefit of dental surgery they have to pay for it out of their own pockets?

Mr. PADGETT. To some extent.

Mr. HOWARD. Not the regular rates, but they do pay an appreciable amount for the service?

Mr. PADGETT. Yes; and then they get inferior service.

Mr. HOWARD. Mr. Chairman, as I understand, there is no point of order against this section, and I want to offer this amendment.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add to line 16, page 40:

"Provided, That the professional degree and qualification prescribed as a requirement for appointment to said Reserve Corps shall be varied to include, in suitable proportion to conserve the health and efficiency of the personnel of the naval service, the professional degree and qualification required by standard American universities and colleges for graduation in dental surgery."

Mr. FOSTER. Mr. Chairman, I did not quite catch that. Is that intended to have a dental reserve corps?

Mr. HOWARD. Yes.

Mr. PADGETT. Mr. Chairman, I move as a substitute for the amendment the dental surgeon bill that covers the whole question. It is the bill that was offered the other day, is identical with the Army provision, and creates a dental corps in the Navy identical with that in the Army, so that we can look after the welfare of the 60,000 men in the Navy.

Mr. FOSTER. Mr. Chairman, I reserve a point of order on the amendment and the substitute.

Mr. GOOD. I reserve a point of order on the amendment and the substitute.

Mr. PADGETT. That comes too late to offer it to the amendment after we have debated it.

The CHAIRMAN. The point of order of the gentleman from Tennessee is well taken as to the amendment offered by the gentleman from Georgia.

Mr. FOSTER. It might not be germane to this particular item in the bill.

The CHAIRMAN. The Clerk will report the substitute.

The Clerk read as follows:

Page 40, after line 16, insert the following measure:

"That the appointment of not more than 30 assistant dental surgeons be, and the same is hereby, authorized, said assistant dental surgeons to be a part of the Medical Department of the United States Navy, to serve professionally the personnel of the naval service, and to perform such other duties as may be prescribed by competent authority.

"That all original appointments herein authorized shall be made by the Secretary of the Navy in the grade of acting assistant dental surgeon, and all appointees to such grade shall be citizens of the United States between 24 and 32 years of age, and shall be graduates of standard medical or dental colleges trained in the several branches of dentistry, of good moral character, of unquestionable professional repute, and before appointment shall pass satisfactory physical and professional examinations, including tests of skill in practical dentistry, of proficiency in the several usual subjects in a standard dental college course, and in such other subjects of general education as are now or may hereafter be required for admission to the Medical Corps of the Navy.

"That at the end of three years from the passage of this act all acting assistant dental surgeons who have had two or more years' service under their original appointment, as herein provided, shall undergo such physical and competitive professional examinations as the Secretary of the Navy may prescribe to determine their fitness to receive commissions in the Navy, and if found qualified they shall be appointed assistant dental surgeons, with the rank of lieutenant (junior grade), in the order of standing as determined by the professional examinations provided for in this section.

"That after the competitive examinations provided for in section 3 of this act have been held, acting assistant dental surgeons thereafter appointed shall serve a probationary period of three years, and upon the completion of such period shall undergo such examinations as the Secretary of the Navy may prescribe to determine their fitness to receive commissions in the Navy, and, if found qualified, they shall be appointed assistant dental surgeons, with the rank of lieutenant (junior grade).

"That if any acting assistant dental surgeon shall fall upon the examinations prescribed in sections 3 and 4 of this act he shall be honorably discharged from the naval service, and the appointment of an acting dental surgeon may be revoked at any time in the discretion of the Secretary of the Navy.

"That all appointees authorized by this act shall take rank and precedence next below other officers of the rank of lieutenant (junior grade) now or hereafter commissioned in the Navy, and shall not exercise command over persons in the Navy other than dental surgeons and such enlisted men as may be detailed to assist them by competent authority.

"That all officers authorized by this act shall receive the same pay and allowances as officers of corresponding rank and length of service in the Medical Corps of the Navy.

"That all officers authorized by the preceding sections of this act shall be eligible to retirement in the same manner and under the same conditions as officers of the Medical Corps of the Navy: *Provided*, That section 1445 of the Revised Statutes of the United States shall not be applicable to the officers herein authorized: *And provided further*, That the dentist now employed at the Naval Academy shall not be displaced by the operation of this act.

"That the Secretary of the Navy is hereby authorized to appoint, for temporary service, suitably qualified acting dental surgeons when necessary to the health and efficiency of the personnel of the naval service: *Provided*, That the total strength of the dental corps, including those appointed for temporary service under this section, shall not exceed the proportion of one to each thousand of the authorized enlisted strength of the Navy and Marine Corps: *Provided further*, That appointments issued under authority of this section may be revoked at any time, shall have no legal force or effect except for the time the temporary appointee is in active service, and shall include no right of retirement.

"That all appointments authorized by this act, except the appointment of acting dental surgeons, shall be made by the President, by and with the advice and consent of the Senate.

"That all laws and parts of laws inconsistent with the provisions of this act be, and the same are hereby, repealed."

Mr. GOOD. Mr. Chairman, I reserve a point of order on that.

Mr. HOWARD. Mr. Chairman, I want to offer an amendment to the substitute.

The CHAIRMAN. The point of order is pending.

Mr. FOSTER. Mr. Chairman, while I am not in favor of increasing officers in the Government service where it is not necessary, yet we have had in the Army a Dental Reserve Corps and dentists connected with the Army. It is even of more importance, it seems to me, that we should have dentists in the Navy than it is in the Army. When a man goes to sea he is away from where he can secure the proper services of a dentist if treatment may be necessary. It is well known now that teeth to a man in the Navy or the Army or in civil life is a very important thing, and if not in proper condition may seriously affect his health. We know that when one is suffering with a severe case of toothache he is not fit for any kind of duty.

Mr. BUTLER. Not even that of a soldier.

Mr. FOSTER. No; nor that of a sailor. It seems to me that it is important to the Navy of our country, because on every battleship we have a thousand or more men. I say it is of even more importance to the Navy than it is to the Army. I shall be very glad, indeed, to support this amendment, believing that it is very necessary for the success and welfare of the Navy.

There is one matter in this substitute which I think ought to be changed, that is that it provides for men going into the dental service of the Navy at 32 years of age. It is now provided in the Army that they go in at not over 27 years of age, as I am informed by the gentleman from Texas [Mr. SLAYDEN]. I think the substitute ought to be changed in that respect.

Mr. PADGETT. I will ask, Mr. Chairman, unanimous consent that my amendment be modified by striking out the word "thirty-two" and inserting "twenty-seven."

Mr. SLAYDEN. Mr. Chairman, the substitute now reads, "and all appointees to such grades shall be citizens of the United States between 24 and 32 years of age." As I understand it, the chairman of the committee has consented to modify his amendment, and I suggest the language be amended to read that "appointees to such grades shall be citizens of the United States not over 27 years of age." That will make it correspond to the act providing for a dental corps in the Army. I will accept that modification, Mr. Chairman.

The CHAIRMAN. The Clerk will read the provision as modified.

The Clerk read as follows:

That all original appointees herein authorized shall be made by the Secretary of the Navy in the grade of acting assistant dental surgeon, and all appointees to such grade shall be citizens of the United States not over 27 years of age.

The CHAIRMAN. Without objection, the modification to the amendment in the nature of a substitute will be agreed to.

There was no objection.

Mr. GOOD. Mr. Chairman, personally I have no objection to this provision. I would like to ask the gentleman from Tennessee what the cost will be to the Government, and also if the provision has been recommended by the Secretary of the Navy?

Mr. PADGETT. It has been recommended for years and years by the different Secretaries and by the Surgeons General of the Navy, and we reported it out, I think, in the last Congress and put it on the calendar, but in the press of business could not get it considered. It is on the calendar now by unanimous report of the members of the committee, and we were authorized by committee action to ask permission to put it in this bill so as to get consideration of it, as there is but little prospect of reaching consideration under the calendar procedure.

Mr. GOOD. What becomes of these dentists after their service in the Navy? Are they placed on the retired list at any pay?

Mr. PADGETT. Yes; just as in the Army, after they reach the age of 62 years and have a service of 30 years they will be placed on the retired list with a grade of lieutenant, as I remember. They can not get above the grade of lieutenant.

Mr. GOOD. As I understand the amendment, they are limited so that they can not perform this service after they are 34 years of age.

Mr. PADGETT. Oh, no; they can not be appointed; they must be young men when they are appointed.

Mr. GOOD. Mr. Chairman, I withdraw the point of order.

Mr. SLAYDEN. Mr. Chairman, here is the paragraph that the gentleman from Iowa [Mr. GOOD] was asking about which defines their official rank:

That after the competitive examinations provided for in section 3 of this act have been held acting assistant dental surgeons thereafter appointed shall serve a probationary period of three years, and upon the completion of such period shall undergo such examinations as the Secretary of the Navy may prescribe to determine their fitness to receive commissions in the Navy, and if found qualified they shall be appointed assistant dental surgeons, with the rank of lieutenant (junior grade).

It is in connection with this definition of the naval rank that I wanted to ask a question of the gentleman from Tennessee. To what rank in the Army does the rank of lieutenant in the junior grade correspond?

Mr. PADGETT. First lieutenant.

Mr. SLAYDEN. Then they are appointed practically as first lieutenants in the Army?

Mr. PADGETT. Yes; after three years of service.

Mr. SLAYDEN. I assume that you provide here for promotion at stated periods in their service?

Mr. PADGETT. I think they are limited in their promotions.

Mr. SLAYDEN. That is what I wanted to find out. It was impossible to tell from the reading of the Clerk.

Mr. FOSTER. Mr. Chairman, while these gentlemen are looking that up I think it is of some importance that we should know something about how promotions are to be made.

The gentleman from Texas [Mr. SLAYDEN] and the gentleman from Tennessee [Mr. PADGETT] are trying to find out if this makes ample provision for these promotions in the proper way and whether the bill ought to be changed—

Mr. PADGETT. As I say, they do not have any promotion. They are limited to lieutenants of the junior grade.

Mr. SLAYDEN. What about the pay? Don't they get an increase of pay?

Mr. PADGETT. I understand they do.

The CHAIRMAN. To whom does the gentleman from Illinois yield?

Mr. FOSTER. The gentleman from Tennessee.

Mr. PADGETT. They get the pay provided for lieutenant of the junior grade. I understand that both in the Army and in the Navy after five years of service they get an increase of pay, but they do not get any increase of grade. They are held to the position of lieutenants of the junior grade, and with five years of service they get an increase of pay just as in the Army.

Mr. SLAYDEN. Then do they get fovey pay, as they call it in the Army, for each five years of service until they shall have had it four times? Is that the rule in the Navy?

Mr. PADGETT. Yes.

Mr. SLAYDEN. Do they get the longevity pay equal to that of similar rank in the Army?

Mr. PADGETT. Yes.

Mr. SLAYDEN. I would like to ask the gentleman from Tennessee what this language in section 8 means:

Sec. 8. That all officers authorized by the preceding sections of this act shall be eligible to retirement in the same manner and under the same conditions as officers of the Medical Corps of the Navy: *Provided*, That section 1445 of the Revised Statutes of the United States shall not be applicable to the officers herein authorized.

I would like to ask the chairman of the committee to inform the House what that refers to. What does section 1445 of the Revised Statutes mean?

Mr. PADGETT. I can not tell you right now. I looked it up, but it has escaped my mind at this moment. The Clerk will get it.

Mr. HOWARD. I have it here—section 1445 of the Revised Statutes.

Mr. PADGETT. There is the statute right there.

Mr. SLAYDEN. Mr. Chairman, without knowledge of the influence on this legislation that the statute referred to may have, it is legislating in the dark. We do not know what privileges we are granting this new class of officers. We do not know what limit there will be in the end even on the expenditures touching them. There is a statement in the same paragraph that the dentist now employed at the Naval Academy shall not be displaced by the operation of this act. I take it for granted that the dentist at the Naval Academy is a more highly paid person; and I can look a little bit ahead and see the time come when, as an employee of the Government at better pay than is provided for these dentists who are to be appointed, he will come in here with a special bill, after having reached the age of 62 years, or approximately that, and ask to be retired with the pay and allowances of a lieutenant dentist.

Mr. HOWARD. I have the statute here if the gentleman wants to hear it.

Mr. SLAYDEN. I yield to the gentleman from Georgia to read the section of the Revised Statutes that applies to this legislation.

Mr. HOWARD. You have to read 1443 and 1444 in order to get the sense of 1445:

Sec. 1443. When any officer of the Navy has been 40 years in the service of the United States he may be retired from active service by the President upon his own application.

Sec. 1444. When any officer before the rank of vice admiral is 62 years old, he shall, except in the case provided in the next section, be retired by the President from active service.

Sec. 1445. The two preceding sections shall not apply to any lieutenant commander, lieutenant, master, ensign, midshipman, passed assistant surgeon, passed assistant paymaster, first assistant engineer, assistant surgeon, assistant paymaster, or second assistant engineer, and such officers shall not be placed on the retired list except on account of physical or mental disability.

Mr. SLAYDEN. Mr. Chairman, I suppose the gentleman from Massachusetts [Mr. ROBERTS] is familiar with it. I will ask him if this is intended to be a limitation upon their retirement?

Mr. ROBERTS of Massachusetts. Certainly.

Mr. SLAYDEN. And they will not retire at the age of 62 years?

Mr. ROBERTS of Massachusetts. No; the idea is they will retire at 62. If you read sections 1743 and 1744—

Mr. SLAYDEN. This is section 1445 I am referring to.

Mr. ROBERTS of Massachusetts. Section 1445, taken with the two preceding sections, shows precisely what is meant.

Mr. PADGETT. Section 1445 provides that certain officers are to be retired only for disability. A lieutenant of the junior grade is included in this provision. Now, this gives the retirement privilege for age, and gives them the privilege, when they reach the rank of lieutenant of the junior grade, that they can be retired at 62 years of age. This statute we do not want to apply to them, because this statute prohibits retirement except for physical disabilities.

Mr. SLAYDEN. You mean to say officers covered by that section of the Revised Statutes retire at 62 now?

Mr. PADGETT. It says:

The two preceding sections shall not apply to any lieutenant commander, lieutenant, master, ensign, midshipman, passed assistant surgeon, passed assistant paymaster, first assistant engineer, assistant surgeon, assistant paymaster, or second assistant engineer; and such officers shall not be placed upon the retired list, except on account of physical or mental disability.

Mr. SLAYDEN. No matter what their age?

Mr. PADGETT. But this gives them the right to retire at the age of 62. These dental surgeons are given the right to retire at 62, and for that reason it is excepted from the provisions of the bill.

Mr. SLAYDEN. I would like to ask the gentleman another question about this and I would like to have the gentleman from Massachusetts give his attention to it also. It says that the dentist now employed at the Naval Academy shall not be displaced by the operation of this act. Who is he, and why not?

Mr. PADGETT. There is one dentist who is provided by law for the Naval Academy for the 900 midshipmen that are there. He is not under the Medical Corps. This establishment of the dental corps is intended for the general Navy of the enlisted sailormen.

Mr. SLAYDEN. Is the dentist now employed in the Navy an officer?

Mr. PADGETT. Yes.

Mr. SLAYDEN. How did he become an officer? By special act?

Mr. PADGETT. By some special act; yes, sir.

Mr. SLAYDEN. What rank has he?

Mr. PADGETT. I think it is lieutenant, junior grade.

Mr. SLAYDEN. Are you sure he is an officer?

Mr. PADGETT. That is my understanding; yes, sir.

Mr. SLAYDEN. This does not indicate it. It says "the dentist now employed at the Naval Academy."

The CHAIRMAN. The time of the gentleman has expired.

Mr. SLAYDEN. Mr. Chairman, I move to strike out the last word. I would like to know what is the compensation of the dentist at the Naval Academy, because I suspect that he is being employed at a figure very much higher than is to be paid to the lieutenant, junior grade, and the reason he is not taken into that corps by legislation is that he wants the advantage of the additional salary he is now receiving.

Mr. PADGETT. I find that he is not an officer.

Mr. SLAYDEN. It is as I suspected. The dentist employed at the Naval Academy is not an officer, as the gentleman from Tennessee [Mr. PADGETT] seemed for a moment to think, but is employed at a compensation in excess of that which is provided for the lieutenants of the junior grade that will be created by this act. I do not know what his age is. But I think the bill ought to be amended in that particular, at least, and that we ought not to have a dentist now in the naval service who is having higher compensation than officers in the corps will get and who will, beyond all doubt, come later and ask for special legislative retirement.

Mr. TALBOTT of Maryland. Mr. Chairman—

The CHAIRMAN. The gentleman from Maryland [Mr. TALBOTT] is recognized.

Mr. TALBOTT of Maryland. The dentist at the Naval Academy has charge of all the dental work at the academy. He is the only dentist there.

Mr. PADGETT. West Point has two.

Mr. TALBOTT of Maryland. West Point has two. The dentist at the academy is obliged to maintain his establishment, support his family, and does not get any allowances from the Government except his salary, and has 900 cadets to look after at all times, except during the short period of vacation. This is not the place to reduce a salary, and I hope the gentleman from Texas will not attempt to interfere with the management of the Naval Academy.

The CHAIRMAN. The question is on agreeing to the substitute offered by the gentleman from Tennessee [Mr. PADGETT] to the amendment of the gentleman from Georgia [Mr. HOWARD].

The question was taken, and the substitute was agreed to.

The CHAIRMAN. The question now recurs on agreeing to the amendment in the nature of a substitute.

The question was taken, and the substitute as amended was agreed to.

Mr. HOWARD. Mr. Chairman, I want to ask the Chair for the situation here as to this item in the bill. As I understand, this substitute was introduced as a substitute for an amendment offered by myself, and that amendment was to this particular section in this bill providing for the Medical Reserve Corps in the Navy. Now, as I understand the situation, there is no Medical Reserve Corps in the Navy, and the substitute offered by the gentleman from Tennessee and just adopted provides for an active—

Mr. PADGETT. Dental corps.

Mr. HOWARD. Dental corps. His substitute does not provide for anything that my amendment provided for. My amendment provided for an additional number of dental surgeons to the reserve corps, and specifying they should come under a certain grade of examination, or should be graduates of certain standard colleges. Now, then, the effect of the substitute of the gentleman from Tennessee [Mr. PADGETT] is that he has added to the active list in the Navy certain dental surgeons, but he has made no provision by that substitute for what my amendment sought to reach, by providing for dental surgeons in the reserve corps.

Mr. FOSTER. We do not care so much for the reserve corps.

Mr. HOWARD. The proposition is simply this: As I understand the situation, since 1796 there have been medical officers in the Army, and about 50 years after that they commenced having some dentists in the Army. But I would like to get recognition in this substitute provision here for the dental surgeons. In other words, in a battle, if these men are brought to shore and they have got these officers in reserve there, very likely a shell will burst and knock a fellow's teeth out, or break them off, and they need the dental surgeons as well as medical surgeons. And my amendment to the amendment prepared by the gentleman from Massachusetts [Mr. ROBERTS] simply provides for the selection of certain dental surgeons to be placed in reserve.

The CHAIRMAN. The Chair would state to the gentleman that when his amendment was pending the gentleman from Tennessee [Mr. PADGETT] offered a substitute which replaced the entire plan with respect to the organization of the dental corps. No point of order was made, and the committee adopted the substitute and fastened that on the original provisions of the bill. And it is not the province of the Chair to say what would be the effect of the amendment or the substitute. The committee has taken that course.

Mr. PADGETT. I will state to the gentleman that as it is in the bill, it gives us a Medical Reserve Corps, and the amendment gives us an active dental corps.

Mr. HOWARD. The thing I want to reach is not the active dental surgeons at all. I simply offered an amendment, which was germane to this section, providing for dental surgeons in the reserve corps. I do not know whether the gentleman's substitute absorbed this or not.

Mr. PADGETT. The substitute adopted provides for the employment of a certain number of contract dental surgeons, as well as the enlisted men, and I think that takes care of the question fully.

The CHAIRMAN. The Clerk will read.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Massachusetts [Mr. ROBERTS].

The Clerk read as follows:

Provided, That the test of qualifications for appointment to the said reserve corps and to the dental corps may be varied to suit the subjects of such branch of the healing art or specialty of surgery of which specialists may be required, and in the discretion of the Secretary of the Navy such specialists may be grouped separately.

Mr. GOOD. I reserve a point of order on that.

Mr. ROBERTS of Massachusetts. The purpose of the provision, Mr. Chairman, is to ascertain the qualifications of doctors, dentists, eye specialists, and ear specialists, whatever they may be, who may come into the reserve corps or into the dental corps by men who are themselves specialists in those branches. In other words, if in the Medical Reserve Corps we want some ear specialists, we do not want their qualifications to be ascertained by dentists. If we want dentists, we do not want their qualifications to be ascertained by eye specialists. That is the only purpose of the amendment—to enable the Secretary of the Navy to have specialists determine upon the qualifications for admission to either of these corps by specialists of the same kind.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Texas?

Mr. ROBERTS of Massachusetts. Yes.

Mr. SLAYDEN. Are you not making provision in that amendment for something of a revolution in the manner of admitting medical officers to the Navy?

Mr. ROBERTS of Massachusetts. This applies only to the reserve corps and the dental corps that has been established. It does not apply to the admission of surgeons into the Navy. It applies only to admissions to the reserve corps and the dental corps that we are creating.

Mr. SLAYDEN. The law prescribes the class of examinations required for admission in the Medical Corps now and the persons by whom the board of examiners shall be appointed and who the members of the board shall be. That is a regulation, I suppose, that the gentleman is proposing?

Mr. ROBERTS of Massachusetts. Yes. We are undertaking to allow the Secretary of the Navy to prescribe specialists to pass upon the qualifications of specialists.

Mr. SLAYDEN. May I ask the gentleman if under the authority to make regulations the Secretary of the Navy could not do that now, provided he did not involve the Government in unauthorized expenditures?

Mr. ROBERTS of Massachusetts. I am not certain whether he can or not, but this makes it absolutely clear that he may. There is no objection in the slightest to the proposition.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts [Mr. ROBERTS].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

BUREAU OF SUPPLIES AND ACCOUNTS.

Provisions, Navy: For provisions and commuted rations for the seamen and marines, which commuted rations may be paid to caterers of messes, in case of death or desertion, upon orders of the commanding officers, commuted rations for officers on sea duty (other than commissioned officers of the line, Medical and Pay Corps, chaplains, chief boatswains, chief gunners, chief carpenters, chief machinists, and chief sailmakers) and midshipmen, and commuted rations stopped on account of sick in hospital and credited to the naval-hospital fund; subsistence of officers and men unavoidably detained or absent from vessels to which attached under orders (during which subsistence rations to be stopped on board ship and no credit for commutation therefor to be given); and for subsistence of female nurses, and Navy and Marine Corps general courts-martial prisoners undergoing imprisonment with sentences of dishonorable discharge from the service at the expiration of such confinement: *Provided*, That the Secretary of the Navy is authorized to commute rations for such general courts-martial prisoners in such amounts as seem to him proper, which may vary in accordance with the location of the naval prison, but which shall in no case exceed 30 cents per diem for each ration so commuted; labor in general storehouses and paymasters' offices in navy yards, including naval stations maintained in island possessions under the control of the United States, and expenses in handling stores purchased and manufactured under the general account of advances; and for the purchase of United States Army emergency rations, as required: *Provided further*, That the sum to be paid out of this appropriation, under the direction of the Secretary of the Navy, for chemists and for clerical, inspection, and messenger service in the general storehouses and paymasters' offices of the navy yards and naval stations for the fiscal year ending June 30, 1913, shall not exceed \$492,299.36; in all, \$8,542,328.25.

Mr. TRIBBLE. Mr. Chairman, I must admit that I am at a loss to know how to reach in this very large appropriation contained in this paragraph the items I conceive to be subject to a point of order. Upon investigation the Chairman will see that this appropriation exceeds that of the preceding year by nearly a million dollars.

Mr. PADGETT. May I interrupt the gentleman just a moment?

Mr. TRIBBLE. Yes. I will be glad to have any information I can get.

Mr. PADGETT. There is an increase of \$532,768 on account of the 4,000 enlisted men that we have authorized in the first part of the bill, and—

Mr. TRIBBLE. Before the gentleman leaves that point, I think the chairman of the committee is mistaken on that. The evidence shows on the two hundred and eighty-third page that the amount of increase is \$261,000.

Mr. PADGETT. The gentleman will remember that that was for 2,000 additional men and that the committee subsequently reported 4,000 men, so that it doubles that amount. That makes the \$532,761.

Now, then, you will remember that there has been an increase in the daily ration for all of the men. For 48,000 men there is an increase in the cost of the daily ration.

Mr. TRIBBLE. Does the gentleman mean to say that it has been recommended by the committee that there shall be an increase?

Mr. PADGETT. No; there is an actual increase in the prices that they have to pay for food for the men. This is for feeding the men, caring for them, and purchasing the supplies. It is

just a matter of mathematical calculation. There are so many men and so many other things provided for, and with these additional men and with the additional cost of food, and so forth, it takes just that much more. That is one of the paragraphs in the bill that is just based upon a mathematical calculation.

Mr. TRIBBLE. I understand that, but the evidence shows that it is vague. On page 283 of the hearings you will find that Admiral Cowie testified that the recommendation was for \$8,325,943.95, but that the Secretary of the Navy thought that could be cut \$50,000, and they cut it \$50,000.

Mr. PADGETT. Yes.

Mr. TRIBBLE. It looks to me a loose way of doing. Millions are involved; the Secretary of the Navy recommends one thing, and then with the stroke of a pen changes his estimates. This carries out my argument that the committee thoroughly investigate and not let the department's recommendation necessarily control.

Mr. PADGETT. There is a very clear explanation there, if the gentleman will just read it. The Secretary first asked for 2,000 more enlisted men, and he said that the total cost would be \$8,325,943.95 for the establishment, but he said that it would be impossible for him to enlist all of the 2,000 men at one time, and that they would not all be chargeable for the total 365 days in the year. He thought that on account of not being able to enlist them all at the beginning of the fiscal year he could reduce the amount by \$50,000, and the committee accepted that; but later developments occurred, with the new ships coming into commission and under contingencies and emergencies arising, so that it was deemed proper to report in favor of 4,000 additional men.

Mr. TRIBBLE. Who deemed it proper to report 4,000 additional men.

Mr. PADGETT. It was submitted to the full committee, and was agreed to by a unanimous vote. There was not a single man present who voted against it.

Mr. TRIBBLE. It did not receive my vote. Not only that, I protested against the amount in this bill, both in committee room and on the floor of this House, and was always present at the hearings.

Mr. PADGETT. I do not know about that, but I know it was submitted to the committee, and the committee agreed to it, and directed an increase of 4,000 men. Therefore we had to double the amount that would be required for 2,000 men, and that made \$532,000 for 4,000 men.

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

The Clerk read as follows:

Contingent, Bureau of Supplies and Accounts: For fuel, books and blanks, stationery, interior fittings for general storehouses and pay offices in navy yards; coffee mills and repairs thereto; expenses of naval clothing factory and machinery for same; tools, ferrages, yeoman's stores, safes, newspapers, and other incidental expenses, \$200,000: *Provided*, That hereafter worn-out typewriting and computing machines for the naval establishment may be exchanged as a part of the purchase price of new ones.

Mr. HOWARD. Mr. Chairman, I move to strike out the last word. What has been done with the old typewriters and computing machines heretofore?

Mr. PADGETT. Heretofore they have just been sold for what they could get for them and the money turned into the Treasury; but it has been represented to us that if they were allowed, as individuals are when they go to purchase, to put in their old machines, they could get far more for them when put in with the company in that way than they could get by buying and paying all cash for the new machines and selling the old ones for junk. This is giving the department that business discretion.

Mr. HOWARD. I withdraw my pro forma amendment.

The Clerk read as follows:

BUREAU OF CONSTRUCTION AND REPAIR.

Construction and repair of vessels: For preservation and completion of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; steam steerers, pneumatic steerers, steam capstans, steam windlasses, aeroplanes (not to exceed \$10,000), and all other auxiliaries; labor in navy yards and on foreign stations; purchase of machinery and tools for use in shops; carrying on work of experimental model tank; designing naval vessels; construction and repair of yard craft, lighters, and barges; wear, tear, and repair of vessels afloat; general care, increase, and protection of the Navy in the line of construction and repair; incidental expenses for vessels and navy yards, inspectors' offices, such as photographing, books, professional magazines, plans, stationery, and instruments for drafting room, and for pay of classified force under the bureau, \$8,479,144: *Provided*, That no part of this sum shall be applied to the repair of any wooden ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 10 per cent of the estimated cost, appraised in like manner, of a new ship of the same size and like material: *Provided further*, That no part of this sum shall be applied to the repair of any other ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 20 per cent of the estimated cost, appraised in like manner, of a new ship of

the same size and like material: *Provided further*, That nothing herein contained shall deprive the Secretary of the Navy of the authority to order repairs of ships damaged in foreign waters or on the high seas, so far as may be necessary to bring them home. And the Secretary of the Navy is hereby authorized to make expenditures from appropriate funds under the various bureaus for repairs and changes on the vessels herein named, in an amount not to exceed the sum specified for each vessel, respectively, as follows: Connecticut, \$250,000; Vermont, \$250,000; Albany, \$350,000; New Orleans, \$350,000; Minneapolis, \$284,000; Columbia, \$292,000; Sylvia, \$14,000; Solace, \$120,000; Panther, \$100,000; Piscataqua, \$45,000; Active, \$38,000; Unadilla, \$43,000; Uncas, \$33,000; Penacook, \$23,000; Samoset, \$23,000; Pompey, \$38,000; Yantic, \$38,000; Prometheus, to convert to a repair ship, \$350,000; in all, \$2,641,000: *Provided further*, That the sum to be paid out of this appropriation, under the direction of the Secretary of the Navy, for clerical, drafting, inspection, and messenger service in navy yards, naval stations, and offices of superintending naval constructors, for the fiscal year ending June 30, 1913, shall not exceed \$808,039.

Mr. PADGETT. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 44, line 21, after the word "Prometheus," add the words "or Vestal."

The amendment was agreed to.

Mr. MURRAY. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, at page 45, line 5, by striking out the period, inserting a semicolon, and adding:

"*Provided*, No part of any money appropriated in this act shall be used for construction or repair of vessels at navy yards or naval stations in the United States by enlisted men of the Navy."

Mr. MURRAY. Mr. Chairman, I ask unanimous consent that that amendment be passed for the present and be considered as pending.

Mr. PADGETT. I suppose we might dispose of it now. Is there any special reason why the gentleman wants it passed over?

Mr. MURRAY. The only reason is that it is in line with the labor amendments heretofore offered by the gentleman from Illinois [Mr. BUCHANAN], which have been passed over.

Mr. TRIBBLE. Mr. Chairman, I reserve a point of order, if the gentleman from Tennessee does not.

Mr. MURRAY. Mr. Chairman, I have no doubt that the amendment is in order, but I raise the point of order that the gentleman from Georgia is too late.

The CHAIRMAN. The gentleman thinks that the point of order made by the gentleman from Massachusetts is well taken.

Mr. MURRAY. The only purpose I have in having the matter postponed is that the gentleman from Illinois [Mr. BUCHANAN], a member of the committee, has several labor amendments which are practically on the same subject matter and which have already been passed and are pending.

Mr. PADGETT. Very well, Mr. Chairman, I will consent to its being passed over.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Massachusetts will be passed for the present and considered pending.

There was no objection.

The Clerk read as follows:

The Secretaries of War and Navy are authorized to cause to be made from any parts of the wreck of the *Maine* or its equipment that are suitable for the purpose tablets for donation as relics in conformity with the provisions of the act of December 22, 1911, making appropriations to supply urgent deficiencies: *Provided*, That the cost of such tablets may be charged against any unexpended balances of appropriations heretofore made for the removal of the wreck of the *Maine* and that the municipalities and other bodies receiving such tablets shall defray the cost thereof, which cost shall be reimbursed to the proper appropriation.

Mr. GOOD. Mr. Chairman, I reserve a point of order to that paragraph.

Mr. PADGETT. Mr. Chairman, I have a letter upon that matter from the Secretary of the Navy that gives such a clear explanation that I think I will read it. It is as follows:

NAVY DEPARTMENT,
Washington, March 7, 1912.

Hon. LEMUEL P. PADGETT, M. C.,
Chairman Committee on Naval Affairs,
House of Representatives.

MY DEAR CONGRESSMAN: Referring to the provision in the urgent deficiency appropriations act of December 22, 1911, that authorizes the distribution of relics of the wreck of the *Maine*, I have the honor to say that the articles, materials, and parts of the vessel that are of such a character as to show what they are or, so to say, speak for themselves, are not numerous enough to supply those asking for and entitled to mementos. There are available other materials and parts that could, with comparatively slight expense, be made into tablets authenticating the fact that they were once a part of the *Maine*, and such tablets would be equally valuable with other articles from the vessel.

It is believed that the best way to accomplish a satisfactory disposition of mementos of this latter kind would be for the department to

have the tablets made and carry the expense thereof in each case until reimbursement could be made by the donee, and in order to facilitate such distribution it is requested that the provision of law mentioned above be amended so as to authorize the use temporarily of funds appropriated for work on the wreck of the *Maine* upon condition that the beneficiaries shall defray such expenses and the proper appropriations be reimbursed accordingly.

Inclosed herewith is a draft of provision that would, it is believed, accomplish this purpose satisfactorily. The effect of it would be simply to enable the War and Navy Departments to have tablets made up to suit organizations and municipalities requesting relics without waiting for estimates of cost to be made, approved, and accepted, while providing at the same time that, as required by the original law, no part of the expense of distribution of relics shall be ultimately borne by the Government.

This draft is in such form that it may be introduced as a separate measure or inserted as a provision in some other appropriate bill.

It is requested that this amendment receive favorable and early consideration by the committee.

Faithfully, yours,

G. V. L. MEYER.

In other words, there are large parts of the wreck of iron and steel that can be made into tablets with an inscription upon it authenticating that it was a part of the battleship *Maine*. They can be distributed to any city, hamlet, town, or community, or association, or Grand Army post, who would only have to pay the actual cost of molding these into tablets.

Mr. GOOD. How much remains of the unexpended balance appropriated for raising the wreck?

Mr. PADGETT. I do not know that I can tell.

Mr. ROBERTS of Massachusetts. I will say to the gentleman from Iowa that I have been advised by the Navy Department that the total expense of making these tablets will not exceed \$1,500.

Mr. GOOD. What assurance has the department that the municipalities or associations authorized under the law to receive them will order them and pay for them?

Mr. ROBERTS of Massachusetts. They have more applications now than they can grant.

Mr. GOOD. Yes; but those are free applications.

Mr. ROBERTS of Massachusetts. They have to pay the cost of transportation.

Mr. PADGETT. Under the existing law they have to pay the expenses of transportation and handling, and this additional expense will be comparatively small. Of course, it would depend upon the demand for them, but the department says it is flooded now with demands for these relics, and that they are incapable of meeting them, and the suggestion is made to make these mementoes out of what remains of the wreck and supply this great demand, and the Government at the same time will be put to no expense.

Mr. GOOD. Is the gentleman satisfied that there will be no expense to the Government in the manufacturing and disposing of these mementoes?

Mr. PADGETT. I should think the cost of it would be so little that it would be entirely covered, but if it should not be, and they were left on the hands of the Government, the cost would be very small. The gentleman must remember that as time rolls around the value of these mementoes will become much greater.

Mr. BARTLETT. Mr. Chairman, did the gentleman from Iowa reserve a point of order?

Mr. ROBERTS of Massachusetts. A point of order is reserved.

Mr. BARTLETT. A point of order is reserved, and the point of order is good, I apprehend. I desire to ask the gentleman from Tennessee in what way this amends the urgent deficiency bill passed at this session of Congress providing funds for the raising of the *Maine* and the disposition of the various parts of the wreck that might be preserved.

Mr. PADGETT. It does not in terms amend the act.

Mr. BARTLETT. It changes the law.

Mr. PADGETT. By this subsequent legislation it will give authority to take this old material and make it into tablets with an inscription on it authenticating the fact that it was made out of a part of the battleship, and that the expense of it shall be borne by the recipients of the tablets.

Mr. BARTLETT. The Subcommittee on Appropriations had hearings and went into this matter very thoroughly. The Secretary of the Navy submitted to it at that time a plan, which was agreed to by the subcommittee, the full committee, and reported to the House, by which it was determined in what manner certain parts of this battleship should be disposed of, and to whom it should be disposed of. It was discussed on the floor of the House, amendments were offered, and it was thought proper then, when the matter was fresh in the minds of the House, that nothing further should be done about the matter than was done in that bill, reported to and passed upon by the House. We knew that from all parts of the country would come innumerable requests for parts of this ship, to be preserved as memorials or relics, and it was then thought proper to confine

it in such a way that it could be used only in a certain way. This appropriation bill proposes to do an entirely different thing, and to add to or amend that act.

Mr. ROBERTS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. Certainly.

Mr. ROBERTS of Massachusetts. This act does not change the societies that are to receive the relics.

Mr. BARTLETT. I understand that.

Mr. ROBERTS of Massachusetts. But when they came to collect the relics from the *Maine*, if we may term them such, it was found that the greater portion of the material available is in such shape or form as to be not at all desirable by anybody for relics. In other words, it is broken and twisted iron, brass, copper, and bronze that does not on its face indicate that it ever was on the *Maine* or anywhere near it. So far as its appearance goes, it might have been taken from any junk pile in any junk dealer's yard. The people who are entitled to relics and who are applying for them can not get suitable relics from the department because the department has not got them, because there were so few that were saved from that ship. The whole purpose of this provision is to make available for the very purposes of the act to which the gentleman alludes this mass of scrap, which can be cast into tablets carrying on their face the fact that they are from the battleship *Maine*.

Mr. BARTLETT. But that is not the purpose of it. The whole purpose is to authorize a certain class of persons to receive them other than those already authorized.

Mr. ROBERTS of Massachusetts. Oh, no; I beg the gentleman's pardon. He has not thoroughly read the amendment.

Mr. PADGETT. It does not enlarge the beneficiaries or the recipients that are limited by the act which was reported by the Committee on Appropriations. This is simply to authorize putting these relics into shape for distribution to the ones authorized by the former act. The language is:

For donation as relics, in conformity with the provisions of the act of December 22, 1911, making appropriations to supply deficiencies, etc.

It does not enlarge the scope of that act.

Mr. BARTLETT. We appropriated money for the raising of the *Maine* and we appropriated money for this purpose in that deficiency bill.

Mr. PADGETT. Yes; and this is simply to allow them to change the character of the relics so as to make them available, and for identification so that if they should accept a relic it would show what it is, but no other beneficiary, no other donee can get one except those provided for in the act reported by the Committee on Appropriations and passed by Congress.

Mr. BARTLETT. It does not change the manner of distribution?

Mr. ROBERTS of Massachusetts. Not at all.

Mr. BARTLETT. Nor the persons or municipalities?

Mr. ROBERTS of Massachusetts. Not at all. Let me say further to the gentleman, there are pieces of brass piping and sheets of copper that indicate nothing on their face. The Spanish War camp, the municipality, or the Grand Army post that is entitled to a relic from the *Maine*, on application under the existing law, does not care for a common piece of brass piping which means nothing. It is no ornament, and this merely provides the manner by which this junk—and that is what it is—can be put into a form that will be acceptable and desirable on the part of those who are entitled to receive the relics, and the whole cost is to be paid by those people.

Mr. BARTLETT. This is not to incur any expense?

Mr. PADGETT. None whatever to the Government.

Mr. ROBERTS of Massachusetts. It is simply to carry out and expedite the provisions of the act to which the gentleman referred. The unexpended money for the raising of the *Maine* is to be made available and is to be reimbursed by the people who receive the relics at the cost of preparing the tablets.

Mr. BARTLETT. Mr. Chairman, I am not going to make the point of order after that statement, but I thought, on reading the provision of the bill, that it was an effort to amend a proposition which had been very carefully considered by the Committee on Appropriations, and we thought we had reached a conclusion which was satisfactory to the Navy Department.

Mr. ROBERTS of Massachusetts. And it is perfectly satisfactory to our committee.

Mr. FOWLER. Mr. Chairman, I desire to reserve the point of order for the purpose of asking the chairman of the committee a question or two about this unexpended balance. I do not know whether there is an unexpended balance of the money appropriated for the raising of the *Maine*.

Mr. PADGETT. I understand that there is, and that is a matter that is under the jurisdiction of the Committee on Ap-

propriations, and not under the jurisdiction of the Committee on Naval Affairs; hence I have not gone into the expenditure of that. This matter does not involve the question of the accounting for the amount appropriated. That is altogether with the other committee. Ours is simply to authorize to put this junk of material in a condition so that if a town in your district applies for a piece it would get something that would be identified.

Mr. FOWLER. I understand that; but that is not my object. I want to know if it is not true that the unexpended balance appropriated for any definite purpose reverts back into the Treasury of the United States?

Mr. PADGETT. Certainly it does; yes.

Mr. FOWLER. Now, I want to know if it is not a further fact that before an unexpended balance can be used for any purpose it must be reappropriated for the new use?

Mr. PADGETT. If it is already appropriated, and if we enlarge the uses to which it might be applied, the authorization would be sufficient under the law, it having already been appropriated.

Mr. BARTLETT. That is what is proposed to be done here—to give that authorization.

Mr. PADGETT. That is right; that is the proposition.

Mr. FOWLER. The gentleman considers that the transforming of a part of the wreck of the *Maine* into relics is only an addition to the idea of the original appropriation, and that it can be carried into effect without making a reappropriation of the money?

Mr. PADGETT. It does not need an additional appropriation of money. We have already appropriated the money, and this is simply for authority to use it in addition to the purposes specified in the appropriation.

Mr. FOWLER. Suppose there is not an unexpended balance?

Mr. PADGETT. Then there would have to be an appropriation, but when there is an unexpended balance—for instance, once that the Constitution is complied with and Congress has appropriated, there can be an authorization which simply enlarges the scope of the original proposition.

Mr. FOWLER. This provision simply intends to enlarge the scope of a former appropriation with reference to the same subject matter.

Mr. PADGETT. Yes, sir.

Mr. FOWLER. I withdraw the point of order.

Mr. HOWARD. Mr. Chairman, I am not very much worried about the great expense that it is going to cost, because I do not think it is going to amount to very much, because there is a provision for the return of the amount expended to the Government. What I am worried about is, are we going to get enough of these relics to go around?

Mr. PADGETT. That is what the department is trying to do now.

Mr. HOWARD. Has the gentleman any idea that it is going to give enough to go around to all the towns and municipalities that may want it? For instance, I know now since this agitation has gotten up every town in my district practically wants a relic, and I want to know if there is going to be enough to go around. If there are, I should be for it, and if not, I think I should be against it.

Mr. PADGETT. I do not know how many relics it will make, but I will say, as far as my district is concerned, I have had only one application.

Mr. HOWARD. The gentleman's district is very modest, because they know he gets so many other things.

Mr. PADGETT. I have only one request from my district. The object is to break this old junk up and make it into available tablets.

Mr. GOOD. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

Steam machinery: For completion, repairing, and preservation of machinery and boilers of naval vessels, including cost of new boilers; distilling, refrigerating, aeroplane, and auxiliary machinery; preservation of and small repairs to machinery and boilers in vessels in ordinary, receiving and training vessels; repair and care of machinery of yard tugs and launches, and for pay of classified force under the bureau, \$4,250,000: *Provided*, That the sum to be paid out of this appropriation for aeroplane machinery shall not exceed \$20,000.

Mr. HOWARD. Mr. Chairman, I would like to ask the chairman of the committee if we did not have a provision for this aeroplane proposition the other day? Do not we have this aeroplane proposition carried further on in the bill?

Mr. PADGETT. Yes; there is still another place in the bill. Under the Bureau of Navigation there was appropriated \$10,000, and under the Bureau of Steam Engineering there is an appropriation of \$20,000; and then under the Bureau of Construction and Repair there is an appropriation of \$10,000; making \$40,000. Under the different bureaus under the law they have

certain functions to perform. For instance, the Bureau of Steam Engineering has to deal with engines and machinery. The Bureau of Construction and Repair has to deal with what you might call the hull; and if we compare the flying machines and airships, that is the part that is outside of the machinery—

Mr. HOWARD. I understand; you appropriate separately for each one.

Mr. PADGETT. Yes; for each department.

Mr. HOWARD. I understand.

Mr. FOWLER. I wanted to ask a question about the appropriation for the aeroplane. I saw in another place an appropriation for the same thing.

Mr. PADGETT. There are three places in there. I just explained it to the gentlemen. The appropriation is provided so as to meet the duties as distributed by law to the different bureaus. For instance, under the Bureau of Navigation, which has to do with the personnel of the Navy, the men who fly, we made the appropriation of \$10,000 to meet their requirement.

Mr. FOWLER. That is on page 43?

Mr. PADGETT. That is on page 4 or 5, away back in the first part of the bill. Then on page 45, here, we have \$20,000 under the Bureau of Steam Engineering. That relates to the engines and the machinery and the machine parts of the aeroplanes. Then, under the Bureau of Construction and Repair there is an appropriation of \$10,000, which relates to that part of the aeroplane which might be called the hull or body.

The law, in apportioning the duties of these different bureaus, limits them to certain parts. For instance, the Bureau of Steam Engineering can handle the machinery, but can not have anything to do with the handling of the body of the machine. The Bureau of Construction and Repair must make the body of the machine, but it can not deal with making the engines or purchasing the engines.

Mr. FOWLER. Is that the reason the appropriation was not consolidated in one appropriation?

Mr. PADGETT. Yes, sir; because no one bureau alone was qualified to handle the whole proposition.

The Clerk read as follows:

Machinery plant, naval station, Pearl Harbor, Hawaii: For machine tools and appliances required for the equipment of shops, \$300,000.

Mr. HOWARD. Mr. Chairman, did we not provide for machine tools and appliances \$200,000 for this same plant just a moment ago?

Mr. PADGETT. We provided under the Bureau of Construction and Repair for their part of the building. This is for the machinery that goes into the building and for the Bureau of Steam Engineering. It is a different bureau. This is not a duplication.

Mr. RUCKER of Colorado. Mr. Chairman, I just came into the Chamber when the aeroplane section was being discussed, and I wish the opportunity of recurring to that for a moment, but not for the purpose of an amendment. I want to know of the chairman if he thinks a sufficient appropriation has been made for aeroplanes, or what may be better determined now, so far as naval warfare is concerned, water planes, and whether or not the chairman and the committee have the most recent reports from discoveries along those lines that have been made and inventions applied in the English navy?

Mr. PADGETT. I will state to the gentleman that the committee was in hearty sympathy with the development of the aeroplanes. We had before us the chiefs of the different bureaus that have to deal with them—the Bureau of Navigation, that deals with the personnel; the chief of the Bureau of Construction and Repair, that deals with the body of it; and the Bureau of Steam Engineering, which deals with the engines and machinery. And we carry in the bill the exact amount they asked for, and which they said would meet all their demands and requirements for the coming year.

Mr. RUCKER of Colorado. How much is that?

Mr. PADGETT. Something over \$40,000.

Mr. RUCKER of Colorado. Well, Mr. Chairman—

Mr. PADGETT. They said it was all they could use and all they required.

Mr. RUCKER of Colorado. Will the chairman answer this question: What time was that hearing held, and at what time did these experts come before the committee?

Mr. PADGETT. It may have been during the month of April or the month of March that we had them before us, or it may have been the latter part of February. I am not sure.

Mr. RUCKER of Colorado. I wish to say in this connection, if the chairman will pardon me for a moment, that I have been constantly, and as I thought consistently, against the building of any more battleships, based upon the idea that we would never get into a war with any country on the globe which would require more battleships.

But inasmuch, since the 10th day of this month, when the aeroplane, or waterplane, of a Mr. Horace Short, in England, has been so thoroughly tested that it could fly from a ship or fly from the water, the question has come to my mind whether we should build more battleships or whether we should build more aeroplanes or what is better known as the waterplanes. The point is this, that in my judgment we are doing the wrong thing in building any more battleships or the further fortification of any section of our coasts, especially upon the Panama Canal, where we now propose to spend untold millions, because a waterplane can ascend from the water or ascend from a ship, 250 miles away from any fortification or fleet, and drop not only a bombshell but a pig of iron or an ingot of steel, and will do the same damage to a fortress or vessel that would be done by the exploded bomb. It was demonstrated thoroughly by the English Navy that the battles of the future would be upon the sea, but not fought by the battleships. They will be fought by the aeroplanes or the waterplanes.

Therefore, with a coast from which can be sent up any number of aeroplanes, it stands to reason that no fleet can ever successfully attack this country. If we are going to attack another country, then it would be a battleship proposition, but as long as we are going to stand upon our own dunghill and fight, we are bound to and can successfully do it by the aeroplane.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RUCKER of Colorado. I ask leave, Mr. Chairman, to extend my remarks in the Record, by inserting an article from the London Mirror and Daily Mail, to which I had reference in my remarks.

The CHAIRMAN. The gentleman from Colorado [Mr. RUCKER] asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

The article referred to is as follows:

[Special correspondence The New York Times.]

WONDERFUL BRITISH NAVAL WATERPLANE HAS STARTLED THE OTHER POWERS—SCENES AT THE NAVAL REVIEW AT WEYMOUTH, AT WHICH THE HYDROPLANE INVENTED BY HORACE SHORT, PREVIOUSLY SURROUNDED BY COMPLETE SECRECY, AMAZED ALL THE SPECTATORS, INCLUDING KING GEORGE, WHO NOW DESIRES TO TAKE A TRIP IN IT.

LONDON, May 10.

No pleasanter surprise for the English nation has been prepared in the last half century than that provided at the naval review at Weymouth by the biplane-hydroplane, or "waterplane"—the more convenient word already on everyone's tongue—which has been invented by Horace Short.

Officially, this extraordinary machine is called the *S 41*, and, according to The Daily Mirror, Great Britain's triumph with it has "stunned the admiralities of Europe, including our own."

The same paper says that every aerial expert in Europe realizes that the naval airmen operating at Weymouth this week are inaugurating a new era in naval warfare.

The King has grasped the tremendous possibilities of the aeroplane that can float in security with or without the additional capacity of rising from the water. His Majesty's enthusiasm is compelling the nation to recognize that Britain's chance to secure the dominion of the air as well as that of the sea has come and must be seized.

"I have," says The Mirror's correspondent at Weymouth, "been privileged to learn a great deal of what is going on that is not public knowledge, and I am able to say with absolute assurance that within two years every British warship larger than a destroyer will carry one or more aeroplanes. It will be possible for these aeroplanes to be launched from the deck without any run at all, and to float even in a rough sea till taken on board. They will be fitted with wireless telegraphy apparatus, controlled by a passenger wearing a sound-proof helmet, and provided with bombs and a rifle. They will command from even only 1,000 feet altitude an area of 50 miles square. They will be capable of alighting on land as easily as on the water."

The *Hibernia* and *Africa*, which have already been fitted with launching platforms, can lift an aeroplane from the sea alongside with a single hook, and swing it on board. It can be taken to pieces and stowed away. In another 10 minutes, when required, it can be put together again and launched on another flight.

There are two machines here of incomparable importance, for their achievements are arousing the wonder of the world. They are the amazing biplane-hydroplane, called *S 41*, which has already made Commander Samson, its pilot, famous, and the biplane *S 38*, flown by both Commander Samson and Lieut. Gregory, which is also fitted with floats to enable it to rest on the surface of the sea, but can not arise from the water.

"I have positive knowledge that emissaries from at least two other naval powers are here straining every effort to obtain plans and photographs of the details of *S 41*, and a number of detectives are also here to assist the naval authorities in preventing them."

The *S 41* is launched on wheels, which fall off as she touches the water, and is not adapted for alighting on anything but water; but it is only a simple matter to fit gear to her which will enable her to alight with equal success on land or water. Her stability and security are proved by the fact that Admiral Callaghan's daughter was permitted to make a flight as a passenger in her. She carries petrol enough to keep her aloft for seven hours.

France possesses eight hydroplanes, and Germany has been secretly experimenting and possesses several; but neither power has designed anything so efficient as *S 41*.

The fastest French machine has a speed of only 42 miles an hour. *S 41* has a speed of 55 miles an hour. Here are some other facts about her:

No battleship could hit her at 2,000-foot altitude.

She could drop 300 pounds of high explosive upon the biggest ship and utterly destroy it.

She has made dozens of flights, rising from and descending into the water at will, without the slightest mishap.

In an article on "The waterplane—What it will do," Horace Short, its inventor, says in *The Daily Mail*:

"The last few months have shown to the world that aviation is no longer a dream, no longer a mere risky sport, but a stern and powerful reality, a science full of enormous possibilities, the scope and consequences of which no man to-day can predict for 20 years hence.

"The continental armies already have their air scouts in actual warfare. A British fleet has seen its sons 3,000 feet above the decks, borne through the air at 60 miles per hour on duty, following a predetermined course, carrying out a specified object, regardless of wind, fog, and rain squalls through which they flew, being only visible to those below when crossing a chance rift in the mist and cloud laden atmosphere. Their speed is double that of the fastest destroyer; their range almost that of the torpedo boat of a few years ago. They have detected the mighty naval fighting arm, the submarine, when it thought itself secure from view, submerged, with only its tiny periscope above the surface. They have carried and dropped, with close precision, ponderous masses of metal, which might have been bombs sufficient to sink or wreck a good-sized warship. They have risen from and alighted on the water, flown from the deck of a battleship, carried dispatches to shore and vessel. They have carried out maneuvers to a time-table without a hitch.

"The lookout has caught a fleeting glimpse of a distant, rapidly moving speck through a chance rift in the clouds. The air scout has seen the fleet. The admiral must realize that all his well-planned scheme has been discovered. What should he do? Change all his well-thought-out plans or boldly continue, with the haunting suspicion—which probably in his mind amounts to a certainty—that his carefully thought out strategical movement has been fully divulged to his opponent long before he can reach the critical position?

"That tiny speck in the cloud rift has vanished long before the guns are loaded and trained upon it, and the admiral well knows that in a few more minutes the full details of his formation, together with true photographs in plan of his mighty fleet, will be discussed by his opponent.

"The human occupants in that tiny speck have fully ascertained—

"1. The composition of his fleet.

"2. Its formation.

"3. And its course.

"And in 30 minutes this information is 40 miles away, irrecoverable.

"The experience of airmanship already at hand leads one to predict that the offensive and defensive hydroaeroplane of the very near future will be constructed so that it can safely remain resting on the open sea in company with the floating sea scouts and torpedo flotillas, while the parent ship will be able to render them assistance in case of need. They will arise and alight on the sea with ease. They must go from the deck of a ship and land on the water or the land, carrying three or four persons, who include two pilots, an observer, wireless operator, and a gunner, and sufficient petrol and provisions for a 500-mile journey at a speed of 60 or 65 miles per hour.

"A duplex power plant of 500 horsepower will enable an efficient design to be made, at the same time giving that further security against engine troubles which is all essential. At the same time the aerial *Dreadnought* will carry its 'dinghy,' sufficient for the crew to leave her when resting on the water if they wish to do so. Her speed on the water when 'skimming' will enable her far to outdistance the fleetest war vessels, so that in case of a forced descent one or both of her engines can be used to propel her through and over the water until she regains her parent ship or shelter harbor. Her offensive armament will consist of special quick-firing guns and bombs, and her wireless equipment will enable her to keep well in touch with the air scouts and the main fleet. Thus the mobility of the aerial *Dreadnought* in either element will far surpass the mobility of the water scout in its single element.

"The air scout, to carry a pilot and observer, will have a speed of 80 or 90 miles per hour and be of about 120 horsepower, fitted to float safely on the water and rise. It will resemble somewhat the *Dreadnought*, its larger brother, but will be of a lighter construction.

"There is to-day only one thing that limits the size of the aeroplane, and that is the engine. When engines are made of 1,000 horsepower, light, efficient, and reliable, the aerial *Dreadnought* will be still more reliable and controllable, and more effective than its smaller type. The engines, too, will be placed in such positions as to be accessible to the mechanic while in flight; so going another step further to obtain that reliability which will always be of the first importance in naval and military warfare.

"Emerging from the experimental stage, the aeroplane now only requires the thought and study of highly trained engineers and designers, working with experienced naval and military officers, to make it one of the finest fighting machines and an indispensable arm for both army and navy."

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. EDWARDS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CURTISS, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 17029. An act authorizing the Secretary of War to convert the regimental Army post at Fort Oglethorpe into a brigade post.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

One professor of mathematics, 1 of mechanical drawing, 1 of English, 1 of French, and 1 of Spanish, at \$3,000 each.

Mr. TRIBBLE. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Georgia [Mr. TRIBBLE].

The Clerk read as follows:

Amend by adding at the end of line 17, page 47: "Provided, That no part of the appropriation made in this bill shall be paid to civilian professors of mathematics placed on the retired list of officers after July 1, 1912."

Mr. TRIBBLE. Mr. Chairman, on page 740 of the Navy Yearbook of 1909 you will find professors of mathematics, six on the retired list. There are more of them now. On page 739 you will see that on the active list of professors of mathematics there are 14. If you will turn with me to page 749 you will find there a number of professors provided for as captains and commanders, some drawing salaries at \$5,500.

Now, Mr. Chairman, the purpose of my amendment is to undertake to cut off from the retired list people who are not entitled to go on the retired list, and I hope the House will give me a patient hearing on this question. I have not taken up much of the time of this House, and I believe I am fair, and I believe I can convince Members on the floor of this House who have not made up their minds that this is a fair proposition.

Mr. GREGG of Texas. Mr. Chairman, I ask unanimous consent that the gentleman from Georgia [Mr. TRIBBLE] be allowed to proceed for 10 minutes.

The CHAIRMAN. Unanimous consent is asked that the gentleman from Georgia [Mr. TRIBBLE] be allowed to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. TRIBBLE. Now, on page 481 of the hearings you will find statements in regard to an effort to get additional professors on the retired list as officers. Bills were introduced before the Committee on Naval Affairs, and this evidence was incidentally brought out in the naval hearings, and I will read for the information of the House some extracts therefrom.

Mr. PADGETT. Mr. Chairman, will the gentleman yield for a moment?

Mr. TRIBBLE. Yes.

Mr. PADGETT. I want to call the gentleman's attention to the fact that on the 30th day of June of the present year, a little more than 30 days from now, the law becomes operative to the effect that no officer on the retired list can be employed in any Government service—I mean in any of the commissioned services—so that a provision prohibiting the thing that the gentleman is complaining of—that retired officers are at work—will go into effect. But these are the active professors at the academy, who are doing the actual teaching, and the gentleman surely does not wish to cripple them or their salaries.

Mr. TRIBBLE. I think I understand the proposition, Mr. Chairman. There are on the list of professors of mathematics not only professors of mathematics proper, but also one professor of physics, and instructors in language. I read:

Mr. TRIBBLE. There is no provision of law at the present time to put them on the retired list?

Capt. GIBBONS. No, sir; they go out with nothing except what they have saved. As I say, the objection has been generally to many of these coming in. I think everybody who is there as an instructor or a professor has a bill for some form of pension. There has never been any other objection.

Mr. TRIBBLE. Do you think that their capacity to teach has been in any way impaired?

Capt. GIBBONS. No, sir; I think Prof. Terry now is an excellent man, but he is getting on and I do not know how long he will last.

Mr. TRIBBLE. Do you not think an active life is a good thing for an old man if he can give proper service?

Capt. GIBBONS. He does not want to retire until he has to. He is performing satisfactory service now.

Mr. TRIBBLE. Why should he be put on the retired list?

Capt. GIBBONS. Simply because of his long service at the Naval Academy.

Mr. TRIBBLE. He is still able to continue his service and is not asking for it?

Capt. GIBBONS. He is not asking for the retired list now.

Mr. GREGG. We have before the committee one of Capt. HOBSON's bills, H. R. 19234?

Capt. GIBBONS. This is a similar bill for Prof. Corbesier, the sword master at the institution. He has been there even longer than Prof. Terry. This bill is to give the sword master the same pay as the sword master at the Military Academy.

Mr. TRIBBLE. I would like to ask if you think these two bills are necessary and if you favor them?

Capt. GIBBONS. I favor both of them on sentimental reasons.

Mr. TRIBBLE. But not on business reasons?

Capt. GIBBONS. That is up to you gentlemen.

Mr. TRIBBLE. You have just stated that these men were capable and that they were not impaired at all?

Capt. GIBBONS. The sword master is near the limit.

Mr. TRIBBLE. From a business standpoint you do not favor the bills, but from a sentimental standpoint you do?

Capt. GIBBONS. From a sentimental standpoint, I do.

I call particular attention to this question:

Mr. TRIBBLE. I would like to ask if you think these two bills are necessary and if you favor them?

His answer is:

Capt. GIBBONS. I favor both of them on sentimental reasons.

Now, Mr. Chairman and gentlemen of this committee, I say that the time has come when the people of this country ought to understand that professors at the Naval Academy are carried on the retired list; men who have never smelled powder, men who, if there had been a battle on every hilltop and in every valley in the United States, would never have been in the

service; men absolutely immune from service; men who are not as likely to be in the service as gentlemen on this floor, because they are over here at the Naval Academy employed as teachers. Yet by some method they have managed to get on the retired list at salaries of \$4,000 or \$5,000 a year. The people want a seagoing Navy, a fighting Navy, and not a sentimental land substitute. [Applause.] That is the position I have been taking before this House, and I believe the House will agree with me.

In the hearing I made this statement, which I read to the committee because it is in line with the thought that I am trying to emphasize here to-day:

Mr. TRIBBLE. They were very fortunate in their younger days to get these appointments, they considered themselves highly honored, and as a matter of fact, they sought them?

Capt. GIBBONS. I should say they did.

Mr. TRIBBLE. And they have had a good salary all their lives. Teachers of equal capacity in the various counties and towns all over the United States are not retired when they reach 65 years of age on a salary?

Capt. GIBBONS. No, sir.

Now, Mr. Chairman and gentlemen, the point I want to make is this, that men apply for these positions as professors at Annapolis. They seek them, and at the time when they apply there are a number of others who are seeking these appointments, too. They strive for them. One secures an appointment and another goes back to the private walks of life. He may follow the plow, he may stand behind the counter, he may work in a sawmill, or any other position in life. He struggles and competes with his fellow men.

The other man who is fortunate is up there at the Naval Academy, draws a big salary, and lives sumptuously all the days of his life. Now, what right has such a professor to be retired at 65 on salary? The poor fellow who was unsuccessful and who went back to the private walks of life, possibly working in a sawmill, has to pay a tax in order to support the man who has lived in luxury all the days of his life, and then after retirement to help support him in ease as a retired officer. I say you have no more right to take these professors out of the Naval Academy and put them on the retired list as commanders or lieutenant commanders, positions in which they never served, and a rank which they never expected to attain—you have no more right to do that than you have to go down into my State and take a man out of the State University of Georgia, or to go out into the country to the town of Bowman, or some other place, and pick out a professor there and put him on the retired list and pay him a salary. Now, right is right and fair is fair, and the people are going to watch this thing. Your constituents will see my remarks in the CONGRESSIONAL RECORD and they will read the testimony before the committee that I propose to put into the Record. Look at the number of retired officers in the Navy—rear admirals 151, commodores 40, captains 53, and so on.

I am not considering at this time men in the active service as officers. I am complaining against the method of placing civilians, men who are simply professors in the Naval Academy, being carried on the retired list of this Government and the people having to pay the taxes to support them. I want to illustrate the retirement question by holding up before you a drawing of a ladder. A good deal has been said here about these officers being retired and other officers taking their places, and that such retirement does not cost the Government any material sum. I want you to look at this ladder which I have drawn on this paper, so that you can understand the point I am trying to make. At the top of the ladder is carried admirals at \$9,672.32; this is represented as the top round.

Now they are set aside at three-quarters salary, \$7,265. He is at the top of the ladder, retired, and goes off the ladder. When you move him off every man on the ladder moves up a round, and each round represents many, many thousands of dollars. Am I right about this proposition, or are gentlemen right who take the position on the other side?

Take a commander; he is lower down on the ladder. He gets \$4,479. That commander may retire 20 years before his age of retirement by the plucking board. Estimate how much he has drawn out of the Treasury during that 20 years of his retirement before the age limit and you will find that it amounts to \$89,580. When one officer is taken out of the service there is an upward movement in all the ranks, new positions with increased salary. On the active list of officers there are—admirals, 26; captains, 83; commanders, 117; lieutenant commanders, 209; lieutenants, 354. On the retired list there are—admirals, 151; commodores, 119; captains 53; lieutenants, 73. This is only the head of the list of commissioned officers, and you will see nearly as many in the statement given on the retired list as there are on the active list—doing nothing and drawing from \$3,000 to \$6,000 per year—and yet my amendment

to nullify the power of the plucking board was defeated, and this board will continue to retire 15 officers each year before such officers reach the age of retirement.

Mr. PADGETT. Mr. Chairman, the amendment offered by the gentleman from Georgia provides that no part of the appropriation made in this bill—it does not apply to the section, but to the whole bill—shall be paid to any civilian professor of mathematics placed on the retired list of officers after the 1st of July, 1912. I want to say that civilian professors of mathematics are not placed on the retired list at any time. Civilian professors have been trying for years to get the committee to report a bill placing them on the retired list, but we have steadfastly refused to do so. There are a number of such bills pending before the committee at this time, but the committee has never reported a bill to place civilian professors on the retired list.

Mr. BOWMAN. If the civilian professors do as good work as the other professors, why should they not be put on the retired list the same as an officer promoted for a similar service?

Mr. PADGETT. That is a question not involved at this time, and it would open a door to a civil retirement list which would bankrupt the country very promptly.

The gentleman from Georgia refers to the number of professors in mathematics who may be on the retired list, but they are all commissioned officers and held the position and rank of professor of mathematics with the rank of captain, commander, and so forth, as provided in the law under which they were commissioned.

Then the amendment provides against placing professors on the retired list after July 12, 1912, so that it would not affect any on the retired list at this time. In the next place, the general law prohibits the employment of retired officers on the active list for any purpose after June 30, 1912. I therefore hope the amendment will not prevail, as it would only complicate matters and be of no service.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Four instructors, at \$2,160 each.

Mr. LITTLEPAGE. Mr. Chairman, I move to strike out the last word, in order to ask the chairman of the committee a question. Has there been any complaint lodged with the committee with reference to the method of examination of the boys appointed by the Members of this House and by Senators for the Naval Academy that the examination has been so hard as to keep the poor boys out of the institution at Annapolis and also at West Point?

Mr. PADGETT. There has been no complaint lodged in the sense of a public complaint or any communication. Members of the committee have discussed the question among themselves whether or not the examination was rigid, but there has been no formal or official complaint. We have recognized that the examinations are difficult and that quite a number of boys have failed to pass them. The other day in a hearing before the committee Capt. Smith was heard on the personnel bill, and we discussed in connection with the legislative requirements of the general personnel reorganization the question of academic examinations, and so forth, and we had quite a hearing upon that. I will state to the gentleman that the curriculum and quality of examinations are fixed by an academic board at the academy, and they can change it, raise it, or lower it as they see fit. Perhaps if the matter was taken up with them they might revise it. It does not require legislation. That academic board is like the faculty of a school that determines the method and course of study.

Mr. LITTLEPAGE. I recently had occasion to examine the questions propounded some time ago to the boys who were appointed, and it struck me that the questions were to a considerable extent catch questions in order to keep boys from passing, and that they thereby keep out many deserving young men in the country who have a great ambition to enter either the one or the other of those institutions. I thought perhaps the matter might have been brought to the attention of the committee and that it might feel called upon to make some recommendation with a view of modifying the method of examination and the curriculum.

Mr. PADGETT. Mr. Chairman, I would say to the gentleman that the committee has discussed the matter. It would be a matter very difficult to deal with in legislation. I have never been impressed with the idea that they were catch questions, but I had been impressed with the idea that it was a very rigid and severe examination for the reason that the standard at the school is very high, and it may be that the board

will take cognizance of the discussions here and may consider it.

Mr. LITTLEPAGE. Mr. Chairman, in that connection, does not the chairman, as well as the committee, feel that the examinations as reported from time to time are entirely too rigid with reference to the opportunities of the young men of the country, and especially the poor young men of the country, to pass them and enter these institutions?

Mr. PADGETT. I do not know that I can say that. I can only say that in my experience the poorest young man whom I ever appointed to one of the institutions made the highest grade in his examinations and in his graduation, while some of the richer ones that I appointed did not make better grades.

Mr. BOWMAN. Mr. Chairman, if the gentleman from West Virginia will permit, I think I can shed a little light on this proposition. A young man who failed in his examination in his first year came to my office a few days ago trying to secure a reappointment. I had brought to my attention the question of the character of these entrance examination papers, and I asked him what he thought about them—if he thought they were too severe or filled with catch questions. He said no; he did not. He thought the questions were calculated to bring out the knowledge the young men might have of the matters at issue.

Mr. LITTLEPAGE. The examinations are certainly so rigid now that it is almost impossible, it seems to me, for boys to pass them.

Mr. TALBOTT of Maryland. But they do get in, however.

Mr. LITTLEPAGE. And I did not know but that it would be a good time and occasion to let the Record show that at least some Members of this body feel that in many cases the boys are really being imposed upon. I do not say that with a view of reflecting discredit upon any department of the Government.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I would like to say to the gentleman from West Virginia that I recall a member of the Naval Affairs Committee some 10 years ago complaining that the examinations for entrance were so rigid that he could not get boys in his district to pass. So that it would seem that this complaint is not of recent origin. A similar complaint, so far as I know, has been made ever since I have been a member of the Committee on Naval Affairs, some 12 years.

Mr. PALMER. Mr. Chairman, while we are discussing the requirements for admission and the regulations governing entrance to the Naval Academy at Annapolis, I feel I would like to call the attention of the Committee on Naval Affairs to one feature of those regulations which to my mind demands some attention.

As far as I am personally concerned, I have never had any complaints that the examinations were too rigid. On the contrary, the applicants from my district have never had much difficulty in passing the mental examinations; and, like the distinguished chairman of the committee, I, as doubtless many other Members of the House have done, have tried to send to Annapolis and to West Point young men who otherwise would be prevented from securing an education—bright young fellows whose parents are of limited means. I have been struck, however, by the fact that a considerable proportion of the young men who have gone there have found it extremely difficult to pay the sum of \$280 in cash which is required to be paid by the boy when he enters the academy.

I was formerly of the impression that the salaries paid to the young men at the academy were sufficient to cover all expenses, purchase of books, equipments, and so forth, and I was of the impression that when this \$280 deposit was paid by the boy there was some way for him to secure it back; but I am advised by the Bureau of Navigation and the Secretary of the Navy that there is no way by which it can be returned. I have recently appointed to the academy a young man to whom this \$280 is just as much as a million. He is of a family which can not afford to pay that sum upon his entrance to the academy, and it puts him to the necessity of asking somebody to give him this money or to trust him for several years until he is able to pay it back. I offered to the Navy Department personally to guarantee this sum of \$280. I was told that the guarantee was all right, but that it was against the rules and regulations to take it.

Assuming that the necessary amount would be loaned to the young man, I tried to arrange so it would be paid back to the person who loaned the money out of the young man's salary, but I find that this plan is not possible with the \$50 a month, or whatever it is that a young man gets at Annapolis, as his salary is entirely consumed in the necessary expenses during his residence at the academy.

I do not know whether this is the proper place to consider it, but it does seem to me that as it is a comparatively small thing to the Government and a very large matter to these young men, there ought to be some way by which we can free them from the necessity of putting up that money when they enter the academy.

Mr. PADGETT. I will state to the gentleman that not long since we raised the allowance of the young men at the academy \$100, so that they are now getting a little more than \$700 a year.

Mr. PALMER. When did that begin?

Mr. PADGETT. Two or three years ago.

Mr. PALMER. Well, I have been told within the last week by the Navy Department that the allowance is not sufficient for them to take out this \$280 from the salary, and they told me that is the only way for the young man to get into the academy. This particular young man from my district has passed a most creditable examination both physically and mentally, and the only way for him to get in is to go out and solicit from his friends the loan of \$280.

Mr. PADGETT. They do have to get their uniforms, and so forth, at the beginning, but when they get their \$600 during the course of the year they could draw enough to repay that out of the money, and there are a number of young men, I have been told when I have been down there, who come out of the academy with a small surplus.

Mr. PALMER. I know the gentleman from Tennessee has wide knowledge of the conditions in the Navy and doubtless at the academy, but I put against his statement that the young men can pay this \$280 out of their salary the statement of the Bureau of Navigation and of the Assistant Secretary of the Navy, both of whom told me within the last week that this very thing can not be done with this pay; that they can not arrange it with the small sum which they receive of \$50 a month, as this is only sufficient to cover the necessary expenses at the academy.

Mr. PADGETT. There is a certain amount deducted every month, which is to be used after graduation for the purpose of their outfit.

Mr. PALMER. But the amount which is taken out every month from the salary is all taken up with the graduation outfit. At the commencement time, after the four years' course, they are obliged to purchase a certain number of supplies, and in order that the boys shall not expend all the money during the four years they credit a special account with an amount of money every month, and that takes up so much of the salary of the boys that they can not pay back this \$280 which they have to pay at the beginning.

Mr. PADGETT. I think the gentleman will find that a boy observing reasonable economy may absorb and take this in and cancel it during his term, because I have been told—and I have been on the Board of Visitors several times and inquired about it—there are boys to-day who upon graduation have to their credit some money over and above even their graduation outfit.

Mr. PALMER. There doubtless are cases.

Mr. PADGETT. That shows that it can be done.

Mr. PALMER. But the trouble with that, if the gentleman will permit, is that the Naval Academy will not permit the withdrawal of a certain amount every month from the salary of these young men in order to pay this \$280 back. If the boys could collect it out of their spending money in the course of three or four years perhaps they might pay it all back, but the Navy Department will not permit the withdrawal of the funds to pay back to the person who loans the money to the boy.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. PADGETT. The committee will look into that matter.

Mr. PALMER. I ask for a couple minutes more, in order that we may thrash out this matter a little.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for two minutes. Is there objection. [After a pause.] The Chair hears none.

Mr. PALMER. I just want to ask the gentleman if it would not be possible for the committee to suggest an additional allowance to cover this original investment and put it on this bill?

Mr. PADGETT. I do not think we could afford to undertake to increase the allowance of 900 boys at the academy by \$280 apiece for the year. That would be a considerable sum.

Mr. PALMER. It is not annual.

Mr. TALBOTT of Maryland. Where will you draw the line between who you pay the \$280 to?

Mr. PADGETT. We are allowing them now \$701 a year, I think it is.

Mr. PALMER. It seems to me it would be possible for a fund to be put at the disposal of the Bureau of Navigation, for instance, to take care of deserving cases.

Mr. PADGETT. That is a question of the regulations of the Navy Department; it is not a law.

Mr. PALMER. That is what I am complaining about; I can not control them, but this House can control them.

The Navy Department is making a regulation which, in my judgment, is unfair to these young men.

Mr. PADGETT. We will take the matter up, and we might make some suggestion to the department to change the regulation; but I do not think we ought to attempt to do so at this time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

One swordmaster, \$1,600; 1 assistant, \$1,200; and 2 assistants, at \$1,000 each; 2 instructors in physical training, at \$1,500 each, and 1 assistant instructor in physical training, at \$1,000; and 1 instructor in gymnastics, \$1,200; 1 assistant librarian, \$2,160; 1 cataloguer, \$1,200; and 2 shelf assistants, at \$900 each; 1 secretary of the Naval Academy, \$2,400; 2 clerks, \$1,500 each; 4 clerks, at \$1,200 each; 4 clerks, at \$1,000 each; 4 clerks at \$900 each; 2 clerks, at \$840 each; 1 draftsman, \$1,200; 1 surveyor, \$1,200; 1 dentist, \$2,520; services of organist at chapel, \$300; 1 captain of the watch, \$924; 1 second captain of the watch, \$828; 22 watchmen, at \$732 each; 3 telephone switchboard operators, at \$600 each. In all, pay of professors and others, Naval Academy, \$124,676.

Mr. TRIBBLE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Georgia [Mr. TRIBBLE] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out, on page 48, in lines 22, 23, and 24, the words, "1 second captain of the watch, \$828; 22 watchmen," and insert "12 watchmen."

Mr. TRIBBLE. Mr. Chairman and gentlemen of the House, I think if you will give a hearing to the words of the testimony of the officials of the Academy, as it appears in this book, you will join me in this little move of economy. I have advocated economy in this bill in many particulars, but I have not stricken or advocated the striking from this bill one word that will affect the efficiency of the Navy, and I think you will find when this bill is finished that there has been anywhere from \$3,000,000 to \$4,000,000 stricken from it; and feeling as I do that the efficiency of the Navy has not been affected, I have no apologies to make for the attacks I have made on this bill.

Now, Mr. Chairman, there are 24 watchmen down there to guard the Naval Academy. In addition to that there are 2 captains of the watch to look after them. Somebody may say, "You will need these watchmen because you have soldiers there." But these watchmen do not have a thing to do with the soldiers. The soldiers have their own watchmen and their own guarding of the gates.

Now, Mr. Chairman and gentlemen of this House, I say there are four gates down there and they have 24 men with which to guard them. Now, if you will give 12 men, as I have provided in this amendment, you can have a change every eight hours for each day. And why in the name of reason do you want more than the 12 watchmen at the expense of the Government down there to guard a few buildings on the college campus?

Now, here is the testimony:

Mr. TRIBBLE. What is the reason one watchman could not properly perform that duty?

Commander COLE. When he was at one gate unauthorized persons might go out the other gate.

Now, listen, please. I want you to listen to this testimony:

Mr. TRIBBLE. Who?

Commander COLE. People who may want to acquire property which is not their own.

Mr. Chairman, who wants anything or who would steal anything from the Naval Academy? Now, I took him up on that proposition:

Mr. TRIBBLE. The visitors would not trouble anything.

Commander COLE. We can not tell.

And then another officer there, who was in the room, saw that I had driven Commander Cole into a hole, and he said:

There are a number of colored people who come in and go out; there is a large class of undesirable people who come in there, I am sorry to say.

And then I said to him:

I would like to have you enumerate some pieces of property that could be carried away from there that there is danger of being stolen, so as to show the necessity of these watchmen.

What is his answer? He says:

A lot of people go there to get relics. They will break off a piece of stone or bricks that is a relic in the academy as a souvenir.

Who ever heard of such an excuse for 26 men to guard relics and pieces of stone? The Government had better build a new stone building down there occasionally than to keep 26 men there on pay of the Government to guard four gates. Changing every

eight hours there would be two for each gate, one fellow to watch the other to see that he does not leave.

Now, gentlemen, I ask that you vote for my amendment and pass it.

Mr. PADGETT. There are about 150 acres of ground embraced in the reservation. There are a number of buildings. The outlay that Congress has made there is something over \$10,000,000. There are about 900 students, and there are multitudes of visitors going in and out, both foreign and from the city, of different grades and classes, and there is much valuable property there about the dormitories and the buildings, in the way of books, valuable relics on exhibition in the way of flags and other things.

Mr. TRIBBLE. May I ask the gentleman a question?

Mr. PADGETT. Yes, sir.

Mr. TRIBBLE. Have you not got the same law down there in that State as anywhere else? If anything is stolen, can not you prosecute the thief in court?

Mr. PADGETT. If you catch him. But it is a very poor solution to have a relic stolen that perhaps could not be replaced at any price if it were destroyed. We remember that only a few weeks ago, right here in this building, with all the guards around here, one of the most valuable paintings was mutilated and very badly injured—right out there in the hall. I do not think there would be any economy in striking out these watchmen there with the great value we have there and the great number of interests to be watched and to be safeguarded, and therefore I hope the amendment will be voted down.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Georgia [Mr. TRIBBLE].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Expenses of the Board of Visitors to the Naval Academy, being mileage and \$5 per diem for each member for expenses during actual attendance at the academy, and for clerk hire, carriages, and other incidental and necessary expenses of the board, \$3,000.

Mr. BYRNS of Tennessee. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee [Mr. BYRNS].

The Clerk read as follows:

Amend by striking out all after the word "Academy," in line 16, down to and including the word "thousand," in line 19, and substituting therefor the following: "six hundred," and add after the word "dollars" the following:

"Provided, That so much of the act approved February 14, 1879, as relates to the constitution of the Board of Visitors to the Naval Academy be amended and reenacted as follows: 'That hereafter the Board of Visitors to the Naval Academy shall consist of five members of the Committee on Naval Affairs of the Senate and seven members of the Committee on Naval Affairs of the House of Representatives, to be appointed by the respective chairmen thereof; the members so appointed shall visit the Naval Academy annually at such time or times as the chairmen of said committees shall appoint, and the members from each of said committees may visit said academy together or separately, as the said committees may elect, during the session of Congress; and the superintendent of the academy and the members of the Board of Visitors shall be notified of such date by the chairmen of the said committees. The expenses of the Board of Visitors shall be their actual expenses while actually engaged upon their duties as members of said board and their actual expenses of travel by the shortest mail routes: Provided further, That so much of the act approved February 14, 1879, making appropriations for the naval service for the year ending June 30, 1880, and for other purposes, as is inconsistent with the provisions of this act is hereby repealed.'"

Mr. GOOD. Mr. Chairman, I reserve a point of order on the amendment.

Mr. BYRNS of Tennessee. Mr. Chairman, I submit that the amendment is not subject to a point of order. It comes clearly under the provisions of the Holman rule and reduces expenditures.

Mr. GOOD. Then I will make the point of order, because it is not evident on the face of the amendment that it will reduce expenditures. I understand that the previous rulings of the Chair have been that it must be evident on the face of the amendment and the provision it seeks to amend that it reduces expenditures.

Mr. BYRNS of Tennessee. Mr. Chairman, the amendment on its face undertakes to reduce the appropriation from \$3,000 to \$600. Therefore it is clearly within the provisions of the Holman rule.

The CHAIRMAN. The Chair overrules the point of order.

Mr. PADGETT. I want to call the attention of the gentleman from Tennessee [Mr. BYRNS], before he begins, to the language of his amendment. That, in my opinion, leaves a very wide-open door in the bill. It provides that the actual expenses shall be paid. I know that down at the academy the hotel rates run from \$3.50 a day to large amounts a day for rooms during the June week at the academy, and it seems to me that it would

be better for the gentleman to state in his amendment that there shall be a per diem allowance, as there is now under existing law, of \$5 per day to pay his expenses, instead of just saying that the actual expenses shall be paid, and let him go down there and engage a room at a large cost a day while he is attending the commencement.

Mr. BYRNS of Tennessee. I would be very glad, Mr. Chairman, to accept an amendment providing that "the expenses of the members of the board shall be their actual expenses while engaged in their duties as members of said board provided the same shall not exceed the sum of \$5 per day."

Mr. PADGETT. I think it would be better to provide a certain mileage. I believe they are allowed now not exceeding 8 cents a mile and \$5 per diem for expenses. My experience down there has been that the hotel charges the per diem that you get for a room, about the cheapest you can get. About \$4.50 or \$5 is about the cheapest you can get, and from that up. Then, if you start out with actual traveling expenses, there is a question of what may be the actual traveling expenses.

Mr. SLAYDEN. The actual traveling expenses from Washington to Annapolis?

Mr. PADGETT. Every other year Congress will not be in session, because in the odd years Congress adjourns on the 4th of March, and the members will go from their home cities.

Mr. BYRNS of Tennessee. This provides for the actual traveling expenses.

Mr. SLAYDEN. The gentleman did not catch the actual reading of the amendment. As it was shown to me it provides that they shall go during the sessions of Congress and investigate it just as they would have a hearing in the city of Washington. Their expenses in going from here to Annapolis and back will certainly be very little.

Mr. PADGETT. You do not intend that they shall necessarily go during the commencement week?

Mr. BYRNS of Tennessee. The amendment expressly provides that they shall go during the sessions of Congress, at such times as the committees may determine.

Mr. PADGETT. I overlooked that limitation on the time.

Mr. BYRNS of Tennessee. If this amendment is adopted, it will provide that only members of the Senate and House Committees on Naval Affairs shall be members of the Board of Visitors. I hardly think it probable that any Member of the Senate or House would abuse the privilege of going to Annapolis and paying any exorbitant sum for hotel accommodations.

Mr. PADGETT. I think it is better to place a per diem limitation, if for no other reason, so that the hotel men can not say, "It is an unlimited amount, with the Treasury behind you," and charge an exorbitant figure.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNS of Tennessee. I should like five minutes more.

The CHAIRMAN. The gentleman from Tennessee [Mr. BYRNS] asks unanimous consent for five minutes more. Is there objection?

There was no objection.

Mr. BYRNS of Tennessee. At the outset I want to say that I am perfectly willing to accept an amendment, and will be glad to do so, which will provide that the hotel expenses shall not exceed the sum of \$5 per day. This amendment is in the interest of economy, and also, in my judgment, in the interest of good legislation. I hope the gentleman in charge of the bill will agree that it may be adopted. Under the present law the President appoints seven members of the Board of Visitors. In addition two members of the Committee on Naval Affairs of the Senate and three members of the Committee on Naval Affairs of the House are appointed, making a board of twelve who visit the academy during the commencement exercises, as I understand. If this amendment is adopted, it will not reduce the number on the board, for it provides that the board shall consist of five Members of the Senate, to be chosen from the Senate Committee on Naval Affairs, and seven Members of the House, who shall be chosen from the House Committee on Naval Affairs. It does not reduce the number of the board, but it certainly reduces the expenses to a very great extent.

In addition to that, it is practical in its operation, because if it is adopted then the members of the two great Naval Committees of the House and Senate will have the opportunity to go to the academy and to examine and investigate the conditions of the Naval Academy while it is actively in operation. They are the men who shape the legislation, the men who prepare the bills and introduce them, and advise Congress as to what ought to be done with reference to the Naval Academy. As it is now, the President appoints seven men. I am not criticizing his selection. I do not know who has been appointed in the past. I am sure he has appointed good men and representative citizens of the country, but they are not charged with the

responsibility of legislation. They are not charged with any responsibility with reference to the Naval Academy. They go there during the commencement exercises, when the students and everybody are on dress parade. They are no doubt dined by the officers, and it is very proper that they should be. They get their ideas as to what the Naval Academy is from what they see there during commencement week; but this amendment, if adopted, will provide that members of the House and Senate Naval Affairs Committees shall visit the academy not on the day of commencement but during the sessions of Congress, at very little expense, I submit, because we know it is only 40 or 50 miles from here.

As an instance of the economy which will result, I call your attention to the fact that four or five years ago this Congress passed a law providing that the Board of Visitors to West Point Military Academy should consist of members of the Military Affairs Committees of the respective Houses. In other words, they cut off the right of the President to make appointments. As a result they have reduced the appropriation for the Board of Visitors to West Point Academy from \$3,000 to \$1,000, and I am informed that it only costs about \$700 or \$800 every year, whereas this bill undertakes to carry \$3,000 for the Board of Visitors to the Naval Academy. Now, if this amendment is adopted the appropriation will be cut down to \$600. I submit that this board of 12 going from Washington to Annapolis, a distance of 40 or 50 miles, can go for a much less sum.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I have long been in favor of a similar proposition to that now offered by the gentleman from Tennessee, and if my memory serves me the plan has been recommended several times in the past by the Board of Visitors at Annapolis. The only criticism of the gentleman's amendment that I would make is that the amount of money he makes available, \$600, is too small. He provides for 12 members of that board, and as I understand, there is to be a limitation of \$5 per diem for hotel expenses. That would make \$60 per day for 12, and if they remained a week that would be \$360 out of the \$600, for rooms, meals, and living—too small an amount, in my judgment, for transportation back and forth and for incidental expenses of the board while there.

Mr. BYRNS of Tennessee. I submit to the gentleman that Congress only appropriates \$1,000 for the Board of Visitors to West Point, which, as the gentleman knows, is much farther distant; and, it seems to me, taking the distance into consideration, this is much more liberal than the appropriation Congress has been in the habit of making for the visitors to West Point.

Mr. ROBERTS of Massachusetts. I have never been on the Board of Visitors to West Point, and do not know how much territory there is to be covered by that board of inspection. I have been at Annapolis, and I know the grounds are extensive; and I know it is unreasonable to expect a Board of Visitors to walk all over those grounds, and it is necessary, as an incident to the visit of any board, that there be carriages provided to carry them over the reservation. That is another reason why I think the gentleman's amount is too small. It should be at least \$750, in order that the members of this board would be enabled to make the proper visit and inspection of the academy.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. PADGETT. Mr. Chairman, it will not take \$600 to make the inspection. Four days is all we have ever consumed heretofore at any time, even during graduation week, with the entertainment and various things of that kind. So that three or four days would give ample time. You can get a round-trip ticket from here for \$1.25, so that I think \$600 is ample. The only question is as to the limitation upon the per diem, if it is not deemed necessary to limit that, so that one man would not engage a room at \$20 and another at \$3.50.

Mr. BYRNS of Tennessee. I want to ask the gentleman if it will be acceptable if the amendment is modified so as to read, "the expenses of the members of the board shall be the actual expenses while engaged in their duties as members of said board, not exceeding \$5 a day, and actual expenses of travel by the shortest mail route."

Mr. PADGETT. That is all right.

Mr. TALBOTT of Maryland. As I understand, this amendment excludes any but Senators and Representatives from the Board of Visitors?

Mr. BYRNS of Tennessee. Yes.

Mr. TALBOTT of Maryland. Mr. Chairman, I do not think that is exactly the right thing to do. I think an institution like the Naval Academy should have on the visiting board at least three persons not connected with Congress or legislation affecting the institution. Now, as to the compensation

of the Senators and Representatives, I do not see any necessity for allowing them a per diem. They are receiving a per diem now. All they ought to ask for is their actual expenses. I really believe that, for the good of the Navy, there ought to be some one else on the board besides Members of the House and Senate. We have all the rights now that this will give us. We could go down and inspect the Naval Academy, and the Naval Committee of the House or of the Senate can go there and inspect the academy. They can send for the officials, they can send for the commandant and any other officials and bring them here and examine them. I believe, for the good of the service and for the better satisfaction of the people, it would be wiser to have two or three civilians on the board. If you do, they ought to have a per diem and ought to have mileage.

Mr. PADGETT. Members of Congress get a per diem now and mileage.

Mr. BYRNS of Tennessee. This does not provide for a per diem, but for the actual expenses.

Mr. TALBOTT of Maryland. Nobody objects to that, but, as I said, there ought to be some one on the board besides Members of the Senate and the House, and if you have outside people they are entitled to some compensation, because they receive nothing from the Government, and they would be entitled to a per diem and traveling expenses.

The CHAIRMAN. The gentleman asks unanimous consent that the amendment be modified as suggested by the gentleman from Tennessee. Is there objection?

There was no objection.

Mr. TRIBBLE. Mr. Chairman, I rose to advocate the amendment, but since the gentleman from Tennessee accepted it, I shall not take the time of the committee.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Tennessee [Mr. BYRNS].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For contingencies for the superintendent of the academy, to be expended in his discretion, \$2,000.

Mr. PALMER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 51, line 21, insert, after the word "academy," the following: "And to provide for equipment of needy applicants at the time of admission to the academy," and strike out the word "two" and insert the word "six."

Mr. PALMER. Mr. Chairman, a few moments ago I called the attention of the committee to the fact that young men at the academy are required under the naval regulations to make a deposit of \$280 and some cents upon their entering the academy to cover initial equipment of clothing and necessary household goods with which they supply their rooms in the barracks. The Navy Department insists that this sum of \$280 can not be deducted from the salary received by the young men while they are in the academy. The purpose of this amendment is to put in the hands of the superintendent of the academy the sum of \$4,000 with which he may at his discretion give aid to such persons upon their entering the academy as absolutely need it.

Mr. PADGETT. Mr. Chairman, does the gentleman mean that this is to be an increase—a bonus—to them, or is it to be deducted out of the \$700 they receive?

Mr. PALMER. My idea of it would be that this sum of \$4,000 be put in the hands of the superintendent to be used at his discretion. When a young man passes a creditable examination for admission to the academy, and shows that he is absolutely without funds—that he can not enter the academy unless he receives some help to make this deposit—then let the superintendent of the academy give him such help; and this sum of \$4,000 would provide the entire deposit for 15 or 16 boys, and would provide half the deposit for 30 boys, which unquestionably would be all in any given year which would actually need this amount of money.

Mr. PADGETT. Then the gentleman is making a disproportion between the boys and a discrimination which will result in confusion and dissatisfaction. If it is to be used as a fund to advance the boy and to be later deducted from the pay of the boys throughout their course, it might be all right, but if it is to be given in addition, it will be a disturbing factor; an element for disquiet.

Mr. PALMER. Mr. Chairman, I am perfectly willing that it should be deducted, but in leaving the matter to the discretion of the superintendent I have no doubt that is the way that he would work it out. There is nothing in the objection which the gentleman from Tennessee urges—that this would mean discrimina-

tion in favor of one student as against another. Every college in the country has endowment funds from which needy students are given assistance, and nobody in the academy will ever express any criticism because some other person in the academy needs it and has been assisted by the Government in order to get into the academy. I say that it is far worse that these young men should be compelled to resort to private charity or the assistance of friends at home and get money in that way to go into the academy of the United States than it is to have them know that Uncle Sam is going to help them when they need it.

Mr. PADGETT. Mr. Chairman, I may say to the gentleman that the amendment is subject to a point of order, and I purposely did not make it, because I wanted it to be considered upon its merits.

Mr. PALMER. I do not think that it is subject to a point of order.

Mr. PADGETT. It certainly is subject to a point of order. There is no law authorizing it, and it does not reduce expenditures.

Mr. PALMER. That is true, but you are making an appropriation here to the superintendent of the academy for contingencies, and all that I am doing is to define those contingencies and increase the amount.

Mr. PADGETT. But the gentleman is not putting it as a contingency. He is naming a specific purpose. I did not raise any point of order because I thought it could be considered upon its merits, but I do think that the gentleman ought to amend it so as to provide that this amount shall be refunded from time to time out of the pay of the young men either before or after graduation. For this reason—

The CHAIRMAN. The time of the gentleman has expired.

Mr. PADGETT. Mr. Chairman, I take five minutes in my own right, and will yield to the gentleman from Pennsylvania. I just want to suggest that at the academy they have very rigid rules in regard to equality. The richest young man who goes there is not allowed any more money allowance than the poorest. His people are not allowed to send him anything. He is allowed to expend no more than the others; everything is held upon an absolute equality with reference to money and to finances, so that to incorporate this amendment, to give to one more than another, under the traditions and customs that prevail there, would not be beneficial, and I think in view of that, while I am willing that this contingent fund should be placed there for use as intended, I think it ought to be turned back to the Treasury in order to preserve an absolute equality among the young men.

Mr. ROBERTS of Massachusetts. Will the gentleman yield there for a moment? Did I understand the gentleman's motion increased the contingent fund to \$6,000, to increase the superintendent's contingent fund from \$2,000 to \$6,000?

Mr. PALMER. Yes; to be used for the purpose I mentioned.

Mr. ROBERTS of Massachusetts. Does the gentleman's motion define the purposes for which the additional \$4,000 is to be used?

Mr. PALMER. I have increased the contingent fund of the superintendent to \$6,000 and defined the uses to which the entire contingent fund may be put. It would not mean, I suppose, that all of the \$4,000 should be used for that purpose.

Mr. ROBERTS of Massachusetts. The gentleman realizes that the present contingent fund of \$2,000 is practically a fund placed at the disposal of the superintendent of the academy for the purpose of entertainment.

Mr. PALMER. So I understand.

Mr. ROBERTS of Massachusetts. And unless there was a very careful distinction made by the motion of the gentleman it might be possible in any given year that the superintendent would have \$6,000 with which he could entertain. If he had no application for this deposit to be taken out, he might possibly have the whole \$6,000, and I suggest to the gentleman the better way to get at it would be to make a separate provision, a separate contingent fund for that purpose, and not interfere with the present contingent fund.

Mr. PALMER. I will say to the gentleman the reason I offered the amendment in this way was in order to escape the point of order, which, I think, can not lie against the amendment as it is now written, because, after all, it simply defines the contingencies for which this money can be expended; but the idea of the gentleman from Massachusetts is perfectly proper, and if there be no point of order raised against it I will be willing to make that separate amendment and offer it separately instead of an amendment at this point.

Mr. ROBERTS of Massachusetts. I think, Mr. Chairman, the members of the committee are in full sympathy with the

purposes indicated by the gentleman from Pennsylvania, and I doubt very much if any point of order would be raised against such a worthy amendment as that.

Mr. PALMER. Then, Mr. Chairman, I ask unanimous consent to modify the amendment—

Mr. TALBOTT of Maryland. Mr. Chairman, I reserve the point of order; I do not say I will make it.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to modify his amendment—

Mr. PALMER. So it may appear, after line 21, page 51, as follows:

For contingencies for the superintendent of the academy: To provide for equipment of needy applicants at the time of admission to the academy, to be refunded out of salary before or after graduation.

I think, Mr. Chairman, that is sufficiently definite to be regulated by the department.

Mr. GOOD. Mr. Chairman, I reserve a point of order. [Cries of "Too late!"]

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that his amendment may be modified as stated by him. Is there objection? [After a pause.] The Chair hears none.

Mr. PALMER. Mr. Chairman, I call for a vote.

Mr. GOOD. Mr. Chairman, I do not believe the House ought to agree to this amendment. A few moments ago the gentleman from West Virginia [Mr. LITTLEPAGE] complained because certain applicants to West Point and Annapolis were not able to pass the examinations, and if any inference is to be drawn from his remarks it must be we are to reduce the standard so that applicants to these institutions can obtain entrance more easily. Now for the first time it has been intimated that certain worthy young men, or rather a young man in the district of the gentleman from Pennsylvania was not able to pay the expenses incident to his entrance. I think it is apparent to everybody that Members of this House have fivefold more applications than they can grant in the way of recommending ambitious young men as cadets to these institutions. This is the first time I have ever heard the point raised that a young man could not enter the Academy at West Point or Annapolis because he could not raise the necessary incidental expenses. I do not believe there is a young man anywhere who desires to go through West Point or Annapolis who can not live on the \$700 a year that is allowed him and pay all incidental expenses out of this Government allowance.

This amendment is placing a premium upon the applications of those who will in the future be applicants for entrance to these institutions, and I think we are writing into the statutes to-day something that we will regret if we adopt amendments like this. It will be but the beginning of a reform that will in the end let down the standard of entrance to these institutions and will place a premium upon the applications for entrance to these institutions. And I oppose the amendment.

Mr. TRIBBLE. Mr. Chairman, the very purpose of the gentleman's amendment is to take off any premium, so that poor boys can get in as well as the rich. Now, I think we all agree that, if possible, we ought to select the boys who are not able to educate themselves. I represent a rural district. We have a few city schools in the district, and there are but a few of those schools prepared to advance a boy high enough to assure his entrance at Annapolis. In this statement I do not include the universities, but I can safely say the common schools do not prepare them sufficiently for entrance at Annapolis. If he is a poor boy and not able to attend the universities, in order to enter he must go to a special school. If his father is a poor man, the father must put up the money to send him to a special school in order that he may go to Annapolis. He exhausts all the funds he can get before the boy is ready to enter. This amendment provides that nothing shall be taken out of the Treasury of the United States that is not now taken out of the Treasury. It simply provides that the poor boy may enter the academy and be relieved of paying the sum now required. The entrance fee of \$250 now required is considered a loan by this amendment, and he is required to reimburse the Government out of the funds now provided for the monthly pay of the cadet after his entrance.

I approve this amendment, and say, further, I shall keep up the fight to lower the examination for entrance at the Naval Academy and give the poor boys, whose opportunities have been limited, an opportunity to enter the Government school.

Mr. AUSTIN. Mr. Chairman, I am going to give this amendment my earnest support. [Applause.] And the very reason enunciated here in opposition to it is a controlling reason that appeals to my sense of justice in giving it my approval.

The gentleman from Georgia [Mr. TRIBBLE] well said that the average boy, in order to obtain admission to either the Military Academy or Naval Academy, must go to a special preparatory school and fit himself to pass the rigid examination of admission. These preparatory schools are expensive to a poor boy. If you do not send your boy or applicant to one of them, the chances are he is going to fail on his examination. I believe the percentage of failures of those who fail to take advantage of a special preparatory school is about 50 per cent and of those who enter such schools, where there is a special course and trained and experienced instructors, 95 per cent succeed in passing the examination. The two best institutions, I believe, in the world are located at West Point and Annapolis. The rich man can send his son to Harvard, Princeton, or Yale, or any of the other leading institutions of this land, but many of the ambitious sons of poor men are prohibited from entering either one of these Government academies for the reason stated by the author of this amendment [Mr. PALMER] and the gentleman from Georgia [Mr. TRIBBLE].

One of the brightest stars in the American Navy was Commodore Farragut. Had this requirement, the payment of this money, \$280, been exacted in his day he never would have entered the Naval Academy. His father was a very poor man and lived in my town, Knoxville, Tenn. There is a marker upon a farm near that city showing it was the birthplace of Commodore Farragut. The senior Farragut made his living in the city of Knoxville by peddling water from the near-by springs, for, in the early days of that city, they were without modern water-works. Old man Farragut drove his cart with a barrel of water upon it, drawn by a single horse, through the streets of that city. And accompanying him on those daily trips in the delivery of this water was his son, who afterwards entered the Naval Academy—Commodore Farragut. [Applause.] This barefooted boy delivered the water from the cart to the citizens.

This amendment should appeal to every man who feels for and sympathizes with the deserving and ambitious poor boys in the land who desire to enter the Military or Naval Academy.

Mr. CANNON. Will the gentleman allow me a question?

Mr. KOPP. Will the gentleman yield?

Mr. CANNON. I care nothing about the amount involved, so far as the expense is concerned, but has the gentleman considered the question as to whether the water cart and the development of good manhood in the boy were not more responsible for his success than the training in the Naval Academy?

Mr. AUSTIN. His school of adversity and early hardships were of great value, but he needed the training in the Naval Academy to make him the great naval hero of Mobile Bay and of the Civil War, Mr. Chairman, and that is what we must do for every boy in this land who has a chance or opportunity to secure one of these appointments, either to the Military Academy at West Point or the Naval Academy at Annapolis, and let him make something of himself—give him a chance.

Mr. KOPP. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Wisconsin?

Mr. AUSTIN. Yes.

Mr. KOPP. Is the gentleman in favor of increasing the appropriation of each boy to that extent?

Mr. AUSTIN. For every boy who is unable to raise this amount, \$280, and needs the aid or the credit of this Government advanced to him, and under the provisions of this amendment to repay it out of his salary, either as a student or a commissioned officer in the Navy.

Mr. KOPP. Mr. Chairman, I ask unanimous consent that the gentleman be allowed to continue two minutes more. I wish to ask him a question.

Mr. PADGETT. I shall have to object, Mr. Chairman, and call for a vote. This discussion is not essential.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I would like to say a word just here, before a vote is had.

Mr. PADGETT. Well, go ahead.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, since I have been in Congress I have in every instance made recommendations to the Naval Academy and to the Military Academy in pursuance of competitive examinations. I have always thrown those examinations open to every boy in the district within the required age, and I have gone before those classes before they took the examination and said, "It will cost this Government \$20,000 or \$30,000 to educate the boy who wins out here and is admitted to the academy. I do not want any one of you to take the examination unless you pledge me here that if you get in and complete your course you will stay in the service of the United States during the balance of your life. I do not propose to recommend any boy to either of these academies to get an

education at the expense of the Government and after a few years have him get out and go into private service and make more money or do something more pleasing to him." I have held that promise open, so that the boys think it is the law and not discretion on my part. The best boy in the examination wins if he passes the physical examination. I have not known an instance where any of these boys who got in did not raise the money to pay for his uniform.

I sometimes think that learning is made too easy these days. I sometimes think that a little trial, a little adversity, a little uphill work, will do for a boy quite as much good as the mathematics and Latin and Greek that he will get in college. [Applause.] We are doing much, it seems to me, to smooth the path for the young men and young women. While we are giving them luxurious rooms and accommodations, we propose also to pepsinize and pulverize and pump the intellectual pabulum into them without requiring them to do anything for themselves. I believe in their doing something for themselves. I do not believe in the Government doing everything for them. I do not think there is any boy in the country who can not get, by borrowing or otherwise, enough money to buy a uniform until he can pay it back out of the \$700 a year that he gets from the Government. The Government is doing enough for him. Let him do a little for himself. [Applause.]

Mr. PALMER. Mr. Chairman, I suspect that sufficient has been said with reference to this amendment, yet I can not allow the debate to be closed without making some reference to the statement of the gentleman from Iowa [Mr. Goop], who said that he had never, in his experience, heard of any boy who was prevented from entering the academy by reason of this charge of \$280, and that nobody had ever mentioned any case, except that now it is brought forward, because a young man in my district was unable to pay the money.

Of course, Mr. Chairman, my attention was called to this matter by the fact that a young man in my district was affected by it. But he will not be affected by this amendment if it becomes a law; and it is not to assist anybody in my district, either the young man or anybody else, that the amendment is proposed. It would not go into operation until after it would be beneficial to this young man, for he will have entered before the appropriation would be available.

Mr. GOOD. Will the gentleman yield?

Mr. PALMER. Yes.

Mr. GOOD. There was nothing personal in my statement. I only intended to convey the information that this was the first time I had ever heard the matter urged at all.

Mr. KOPP. Mr. Chairman, does the gentleman think the Government ought to donate this money or any part of it to a certain class of boys and not to the others?

Mr. PALMER. No; I am not asking the Government to do it.

Mr. KOPP. Has the gentleman thought of this contingency: Suppose the boy receives the \$280, and then he meets the fate that so many boys meet and is dropped at the end of the first year; what are you going to do in that case?

Mr. PALMER. I think in that case the Government could afford to lose the small sum. [Applause.]

Mr. KOPP. The gentleman is willing to donate part of it if it is necessary?

Mr. PALMER. If that happens.

Mr. KOPP. That is the reason I asked the gentleman the question, to find out his position.

Mr. PALMER. There is no doubt—all of us know it perfectly well from our experience—that a certain proportion of the young men who enter the academy find this \$280 an insuperable obstacle as far as their own resources are concerned. They must do one of two things: They must either go out to an individual and beg the money as a gift, which I submit is not a good thing in building the character of the boy, or they must borrow the money from somebody.

If they borrow it from an individual, he treats it as a gift, because he knows he can get no security for it. The Government will not permit the young man to pay it out of his salary month by month; and my proposition simply is that the young man in that event should be permitted to borrow this money from his Government, offering to the Government the security which the Government knows is safe—his salary as an officer of that Government. My entire idea in the thing is to make the young man free and independent. These boys who go into places of this kind as objects of charity, through assistance by individuals, will not get out of the life and experience at the academy all that they are entitled to; but if they are needy and the Government is lending them the money to go through, they will not suffer from the influence which is bound to follow upon making them in a sense objects of charity.

Mr. MICHAEL E. DRISCOLL. Will the gentleman yield for a question?

Mr. PALMER. Yes.

Mr. MICHAEL E. DRISCOLL. Is a young man who is old enough to enter the Naval Academy, or the Military Academy, or any other college, who borrows money and gives his note or his word, and treats that as a solemn and binding obligation that he will pay it back with interest, an object of charity? And if he pays it back, does not that tend to develop character and independence? If a boy who does that is an object of charity, then I was an object of charity, because I worked my way through college, and I borrowed the money and paid it back with interest.

Mr. PALMER. The gentleman knows what the difficulties would be in the way of a young boy securing money in that way and how easy it is for kind friends to get together, and instead of one man loaning the \$280, to pass the hat and make a present to the boy of this amount, which he has got to have to enter the academy.

It happens in four cases out of five that instead of some person loaning it to the boy, somebody gives it to him, and then the young man is impressed with just the idea that the gentleman from New York wants him to escape—that his education is coming to him too easily, and he will be harmed more by that gift of money for his original equipment than he would by a loan, and much more than he would by the advancement of it by his Government.

Mr. MICHAEL E. DRISCOLL. This is the first time it has ever been brought before the House since I have been here, that it is necessary to borrow this money in this way. It seems to me a law should not be passed here on account of this particular case in Pennsylvania which the gentleman has in mind.

Mr. PALMER. The gentleman must know that the cases are very common all over the country.

Mr. MICHAEL E. DRISCOLL. I never heard of one before.

Mr. PALMER. I am not responsible for the gentleman's lack of knowledge.

Mr. BOWMAN. Does not the gentleman know that some small colleges have a fund that they loan to students under similar circumstances? I know of a number of young men who never would have been able to go through college if it had not been for the amount of money advanced to them out of these funds.

Mr. PALMER. That is a common practice in every college in the land. There is an endowment fund for the very purpose of allowing the heads of the institution to exercise discretion in helping poor students.

Mr. MICHAEL E. DRISCOLL. They do not advance money to get them in, but they pay their expenses after they are in, whereas the Government pays \$20,000 or \$30,000 each year to these students.

Mr. PALMER. That is a distinction without a difference.

Mr. PADGETT. Mr. Chairman, I move that all debate upon the pending amendment and all amendments to this paragraph be now closed. We are expending more value in time to debate it than it would take to pay it.

The CHAIRMAN. The question is on the motion of the gentleman from Tennessee that all debate upon this paragraph and amendments thereto be now closed.

The motion was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Pennsylvania.

Mr. AUSTIN. Mr. Chairman, I ask that the amendment be again reported.

The CHAIRMAN. Without objection, the amendment will be reported again.

There was no objection, and the Clerk again read the amendment.

Mr. LITTLEPAGE. Mr. Chairman, unless the motion of the gentleman from Tennessee prevailed, I move to strike out the last word.

The CHAIRMAN. Debate on this amendment has been closed by vote of the committee.

The question was taken; and on a division (demanded by Mr. PADGETT) there were—ayes 26, noes 32.

Mr. PALMER. Mr. Chairman, I demand tellers.

The CHAIRMAN. The gentleman from Pennsylvania demands tellers. All those in favor of taking a vote by tellers will rise. [After counting.] Thirteen Members have arisen, not a sufficient number, and tellers are refused.

So the amendment was rejected.

The Clerk read as follows:

Pay, Marine Corps: For pay and allowances prescribed by law of officers on the active list, including clerks for assistant paymasters, five

in all, and for the following additional officers hereby authorized: One major, four captains, four first lieutenants, and four second lieutenants, \$936,278.

Mr. GOOD. Mr. Chairman, I reserve a point of order on the following language:

And for the following additional officers hereby authorized: One major, four captains, four first lieutenants, and four second lieutenants.

Mr. PADGETT. Mr. Chairman, it does not occur to me that the point of order is well taken, for the reason that, under the law, the question of the number of the enlisted force of the Marine Corps is not a fixed number, but the law expressly provides that it shall be such as Congress from time to time shall establish. It was left in that form for the purpose of Congress legislating as it might see fit on the appropriation bills each year.

Now, with reference to the active list of the Navy, the commissioned officers, it is different. The personnel bill of 1899 fixed a certain number of admirals, a certain number of captains, a certain number of commanders, lieutenants, and so forth, and a point of order would lie against that, because that is fixed and prescribed by law. In reference to the enlisted men, it provides that the enlisted force shall be such as Congress shall from time to time establish, and hence it is in order to report it upon the bill each year.

Mr. GOOD. Will the gentleman yield?

Mr. PADGETT. Certainly.

Mr. GOOD. Do I understand the gentleman to say that the law does not prescribe the number of officers in the Marine Corps?

Mr. PADGETT. It does not in the Marine Corps; it provides that the Marine Corps shall be one-fifth, or 20 per cent, of the enlisted force of the Army, and the number of officers is proportioned to the enlisted men, so as to have a proper military organization.

Mr. GOOD. The language here is "for the following additional officers," implying that the law does fix a certain number of officers.

Mr. PADGETT. It provides for such number as Congress from time to time shall authorize, and in the former bill we authorized certain ones, and that leaves it so that at each time when we make an increase we necessarily say "additional," because, as Congress legislates from year to year, it is fixed for the time being.

Mr. GOOD. While the gentleman is on his feet, let me ask him this question. At the bottom of the page there is a provision for four sergeants; does the same rule apply?

Mr. PADGETT. Yes; and as to the 400 men authorized. Those are noncommissioned officers, and make part of the 400 marines. Really, under the law we could have reported for 800 and doubled the number of enlisted men. The law says that the Marine Corps may be one-fifth of the enlisted force, and we have made it only one-tenth.

Mr. GOOD. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

Provided, That the gunnery sergeants of the Marine Corps shall hereafter receive the same pay and be entitled to the allowances, rank, continuous-service pay, and retired pay of a first sergeant in said corps.

Mr. GOOD. Mr. Chairman, I reserve a point of order to page 54, lines 16 to 19, including the words "in all."

Mr. PADGETT. Mr. Chairman, I will state that if the gentleman insists on it, this is subject to a point of order, but I think he would perhaps not make it when advised of the conditions. Under the previous legislation the pay of the first sergeant was fixed by law, and the gunnery sergeant does now, under the regulations, the same duty, and the department thinks he should receive the same pay for like services that is fixed for the other.

It is a small item, but it is subject to a point of order if the gentleman sees fit to insist upon it. It was overlooked in the former reorganization, and this is simply to equalize them with the others who receive the pay. They perform the same service.

Mr. GOOD. Mr. Chairman, what is the difference in the pay?

Mr. PADGETT. Mr. Chairman, I will read from the hearings, at page 514:

Col. RICHARDS. Gunnery sergeants are now and have been since the establishment of the Marine Corps regularly detailed to duty as first sergeants, both on shore and on vessels of the Navy. The act of May 11, 1908, increased the pay of first sergeants of the Army from \$25 to \$45, and the pay of all other noncommissioned officers was also increased in the same act. This grade of gunnery sergeant was the only one where the pay was not increased by legislation. The purpose of this language is to so provide that gunnery sergeants will have the pay which corresponds to their rank and duty of first sergeant. Originally their pay was \$35. The pay of a first sergeant is now \$45, and the intent is to establish their pay exactly upon the same footing as that of first sergeants. The letter of July 27, 1911, is filed herewith.

Mr. GOOD. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

Fuel, Marine Corps: For heat and light for the authorized allowance of quarters for officers and enlisted men, and other buildings and grounds pertaining to the Marine Corps; fuel, electricity, and oil for cooking, power, and other purposes; and sales to officers, \$164,000.

Mr. HUMPHREY of Washington. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 58, line 4, after the word "dollars," insert: "Provided, That no part of this appropriation shall be expended for foreign coal."

Mr. PADGETT. Mr. Chairman, I reserve the point of order against the amendment.

Mr. HUMPHREY of Washington. Mr. Chairman, I do not think that the point of order lies against the amendment. This is clearly a limitation upon the expenditure of the appropriation.

Mr. PADGETT. What is the object of the gentleman's amendment?

Mr. HUMPHREY of Washington. The amendment provides that no part of this appropriation shall be expended for foreign coal for the use of the Marine Corps. I will tell the gentleman why I offer the amendment. I hold in my hand a telegram which I received, which reads as follows:

SEATTLE, WASH., April 15, 1912.

Hon. W. E. HUMPHREY, M. C.,
Washington, D. C.:

United States Marine Corps are calling for bids to be opened May 24, and eliminate competition by specifying that all of the coal called for for marine barracks at Bremerton should be British Columbia Wellington coal, notwithstanding the fact that there are two or three different coals mined in Washington that are equal to the Wellington coal. This is shown by the analysis by the United States Bureau of Mines. Would appreciate it if you could get this clause eliminated and have Marine Corps buy coal the same as Quartermaster's Department, based on the British thermal heat units.

C. E. HOUSTON.

Mr. Houston represents the Pacific Coast Coal Co. After I received that dispatch I made some inquiry to ascertain why such a provision as that was ever inserted in a call for bids. I had considerable trouble to ascertain why it was done. I must say in justification, however, that the head of the Marine Corps at that time was in Panama. After calling their attention to the matter three or four times, and finally telling them that I intended to introduce a resolution to find out why they were going to use British Columbia coal, I ascertained that some officer out there at Bremerton thought that this British Columbia coal was better than the American coal. I then called the attention of the Assistant Secretary of the Navy, Mr. Winthrop, to it, and immediately he ordered that this call for bids be canceled and that new ones be issued.

Mr. PADGETT. If they have canceled that order by administrative action, is not that far better than to put this legislation on this bill and deprive the department of the opportunity of buying coal in the open market, forcing them to buy from some particular man over there at such price as he may see fit to fix? The department has redressed the gentleman's grievance. He is now seeking to put on a limitation that would tie the hands of the Government and force it to buy from a limited number, and the Government would be at their mercy.

Mr. HUMPHREY of Washington. Mr. Chairman, the gentleman is entirely mistaken.

Mr. PADGETT. I think not.

Mr. HUMPHREY of Washington. I think that the gentleman is, and I will explain why. What I wanted to do was to place a limitation on the expenditure. We can not legislate judgment and patriotism into the officers of the Navy, but we can limit them in the expenditure of the money. I received a letter this morning respecting the matter of furnishing coal at the Bremerton Yard. I do not know whether it is the same officer who called for the former bids or not. This is another bid for 500 tons, but he makes a limitation that no coal miner in the State of Washington or in the United States can meet. Now, there are several different companies in the State of Washington, and any official who has no more patriotism or regard for the interests of the country than to call for bids and specify that the coal shall come from one particular company, and that a foreign company, ought to be restricted in the expenditure of the money and be reprimanded by the department. There is no reason in the world why we should use foreign coal in the Marine Corps. There is not even the excuse that they are going to use it on vessels. It is for the use of the Marine Corps at Bremerton Navy Yard. I think we ought to go on record now as condemning any such proposition.

Mr. BOWMAN. I would like to ask the gentleman, Is there any reason why the officer should specify any given grade of

coal? Is not that giving an opening for some bargaining between him and the owner of some colliery? I have seen all sorts of wickedness creep in that way.

Mr. BUTLER. Let me answer that if I can.

Mr. BOWMAN. No given coal should be specified; it should be based on the British thermal unit.

Mr. HUMPHREY of Washington. They specified only one company, and that a foreign company, when there is plenty of coal in the United States on the Pacific coast, that can be purchased just as cheaply and that is equally good.

Mr. BUTLER. Do they specify one company?

Mr. HUMPHREY of Washington. They do. They say Wellington coal, British Columbia, because, presumably, some officers think it better. They have not given any reason for it. Then another point: In the last case I mentioned, they put in a condition which it is impossible for any company to comply with, although they do not limit as to who may bid.

Mr. PADGETT. What is the impossibility?

Mr. HUMPHREY of Washington. They specify for bituminous coal that it shall not go through a mesh less than 24 inches, something that there is no mine in America that can comply with, except when you select it, and when you select it it costs much more and there is no reason for putting in such conditions. They want to use it under boilers and the only reason is that it is a little cleaner and will keep the dust off of some officer's uniform, perhaps.

Mr. PADGETT. I would not put it that way. They have a right to make some sort of specifications. Now, treat them squarely in the matter. Has the gentleman submitted the last matter to the department to see whether, they having remedied the gentleman's first complaint, they will not remedy this?

Mr. HUMPHREY of Washington. I have not, because I did not get it until this morning.

Mr. PADGETT. Does the gentleman think it is appropriate, before you have submitted it to the department, when they have corrected your first grievance, to put on here legislation that is prohibitive, the result of which is to force the Government into a limited way in which they can purchase? It appears to me it is not wise or good legislation.

Mr. HUMPHREY of Washington. It took me about three weeks to get them to make the change in the first call for bids. I do not see any excuse in the world for the Navy Department wanting to purchase abroad coal of this cheap class.

The CHAIRMAN. The time of the gentleman has expired.

[Mr. LITTLEPAGE addressed the committee. See Appendix.]

Mr. ROBERTS of Massachusetts. Mr. Chairman, I want to call the attention of the gentleman from Washington [Mr. HUMPHREY] to the full scope of the limitation that he has offered to the amendment to this paragraph. This paragraph provides for the fuel to be used by the Marine Corps, not only within the territorial limits of the United States, but wherever there may be marines using fuel. We have marines in the Philippines and in Samoa, and I do not know in how many different parts of the world marines are stationed, and permanently stationed. Now, if the limitation of the gentleman is adopted it will compel the Navy Department to send American coal in very small quantities to these remote parts of the world, and I suggest to the gentleman that he make his limitation apply only to coal used by the Marine Corps within the territorial limits of the United States.

Mr. HUMPHREY of Washington. I will be very glad to accept an amendment of that kind, as I had no intention of limiting it except to the Pacific coast, where I want them to use our own coal. I am perfectly willing for them to use the coal of West Virginia at other places if they desire and it is economical for them to do so.

Mr. HOWARD. Will the gentleman yield?

Mr. HUMPHREY of Washington. I have not the floor.

Mr. ROBERTS of Massachusetts. I would suggest that the gentleman from Washington indicate to the Clerk a modification of his amendment.

Mr. HUMPHREY of Washington. I suggest it be limited to the use of the Marine Corps on the Pacific coast of the United States.

The CHAIRMAN. The gentleman from Washington [Mr. HUMPHREY] offers an amendment to the amendment.

Mr. HUMPHREY of Washington. I simply asked to modify it by placing the further limitation that it be restricted to the Pacific coast of the United States.

The CHAIRMAN. The Clerk will report the modified amendment.

The Clerk read as follows:

Page 58, line 4, after the word "dollars" insert:

"Provided, That no part of this appropriation be expended for foreign coal to be used by the Marine Corps on the Pacific coast of the United States."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. PADGETT. Mr. Chairman, that is a limitation. I think it would be unwise legislation.

The gentleman has not submitted any reasons, it occurs to me, that are valid and sufficient and of that urgency and importance that would require us to place restrictive legislation of this character upon this provision.

Now, the gentleman stated that there were some bids and proposals for bids for the purchase of coal that were objectionable, and that he called the attention of the department to the matter and that the department at once canceled the bids and sought to remedy it; and he also stated that to-day he has received additional information that some officer out there has called for bids that are objectionable on account of the rigidity of the specifications.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. HUMPHREY of Washington. I want to be exactly just to the department. The Assistant Secretary of the Navy remedied it within a day or so after I called it to his attention, but I tried for two weeks to get the Marine Corps to remedy it, and they refused to do it.

Mr. PADGETT. All the dealings of the Marine Corps are subject to the direction of the Navy Department, and the Navy Department remedied the matter.

Mr. MCKENZIE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Illinois?

Mr. PADGETT. Yes.

Mr. MCKENZIE. I want to ask the gentleman this question: What is the practice in the purchase of coal for the Navy at the present time? Is it done by competitive bids or not?

Mr. PADGETT. Yes; by competitive bids, published and advertised broadcast; and everyone who desires to offer coal is invited to bid.

Mr. BUTLER. Provided he can get up to 15,500 thermal units?

Mr. PADGETT. Provided he meets the specifications.

Mr. HUMPHREY of Washington. What I am complaining about in this particular case is that they do not call for bids generally, but for one particular kind of coal.

Mr. PADGETT. And the gentleman also stated that he had gotten that information this morning and had not called it to the attention of the department.

Mr. HUMPHREY of Washington. That is the other one.

Mr. KNOWLAND. I understand that this amendment would give them authority to advertise, but that would confine this to the United States. They could get Pennsylvania bids and get bids from other parts of the United States?

Mr. PADGETT. Yes; but the freight rates would be absolutely prohibitive, and then by cutting off the opportunity of the Government to purchase on the British Islands, a few miles away, and restricting it from any but the few there in the State of Washington, it would tend to establish a trust, about which we have heard so much denunciation in this body. [Applause.]

Mr. HOWARD. I would like to ask the gentleman a question. Was it not testified before the Committee on Naval Affairs at this very hearing that the coal in the country that the gentleman from Washington was talking about was unfit for use on the vessels of the Navy?

Mr. PADGETT. It is clearly shown that it is not adequate for use on the vessels of the Navy, but this coal is for land purposes.

Mr. HUMPHREY of Washington. There is no claim made that there is any better coal than that of Washington.

Mr. HOWARD. If this coal is not of superior quality, good for use on vessels, then, of course, its inferiority would be characterized by the same percentage of inferiority for the purposes on land, would it not?

Mr. PADGETT. Yes. It might be sufficient on land, but not sufficient for coaling ships. But the whole policy of the Government's tying its hands and restricting itself and not getting the benefit of an open market is wrong. [Applause.] I call for a vote, Mr. Chairman. [Cries of "Vote!" "Vote!"]

Mr. PROUTY. Mr. Chairman, I offer a substitute.

The CHAIRMAN. The Clerk will report the substitute offered by the gentleman from Iowa [Mr. PROUTY].

The Clerk read as follows:

Add the following: "But in purchasing such articles preference shall be given to those produced in the United States."

Mr. PADGETT. I move to amend the substitute by adding "which can be procured at the same price."

Mr. PROUTY. "At the same price and quality." I will put that in.

The CHAIRMAN. The gentleman from Tennessee offers an amendment to the substitute offered by the gentleman from Iowa [Mr. PROUTY], which the Clerk will report.

The Clerk read as follows:

Add to the substitute the words "which can be procured at the same price and quality."

Mr. PROUTY. I accept the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. Sisson. Mr. Chairman, I should like to ask the gentleman from Tennessee and the gentleman from Kansas whether or not they propose to carry along some sort of a tester, to be used when a man wants to buy coal?

Mr. PADGETT. The Government tests all coal that it buys, and requires it to meet certain specifications.

Mr. Sisson. In case of emergency, how could the Government buy coal under that amendment?

Mr. PADGETT. This is not emergency coal. It is coal that is bought for general purposes, and fuel for the Marine Corps, advertised for and bought under bids.

The CHAIRMAN. The question is on agreeing to the amendment to the substitute.

Mr. PROUTY. I have accepted the amendment.

Mr. BUTLER. The gentleman can not accept the amendment against protest, and I protest. This is a purely Democratic proposition.

Mr. PADGETT. The gentleman bears fine testimony to the Democratic Party when he says that we give the Government an opportunity to get coal under the best circumstances, at the best price.

The CHAIRMAN. The question is on the amendment to the substitute.

The question being taken, the amendment to the substitute was agreed to.

Mr. CANNON. I desire to offer another amendment to the substitute:

Provided, That the coal shall be mined by labor that is employed not exceeding eight hours a day.

[Applause.]

The CHAIRMAN. The gentleman from Illinois offers an amendment which the clerk will report.

The clerk read as follows:

Add to the substitute the following: "*Provided*, That the coal shall be mined by labor that is employed not exceeding eight hours a day."

Mr. CANNON. Mr. Chairman, I want to be heard briefly on that amendment. In the United States, so far as I know and am informed and believe, coal is mined by eight-hour labor, and in some instances less than eight hours.

Mr. BUCHANAN. Thanks to organized labor.

Mr. CANNON. From an economic standpoint if no other, I think that in that kind of labor, dangerous and underground, eight hours are a sufficient number of hours out of the 24 to be employed.

That being the case, the bids for this coal for the use of the United States are free to all the world, which practically includes British Columbia and Australia, why should the American citizen who employs eight-hour labor—American labor—be compelled to compete with the man in foreign countries who, in the first place, pays his labor less than we pay ours, and, in the second place, works that labor more than eight hours? [Applause.] In other words, I do not want to discriminate against the American citizen in organized labor or in unorganized labor. Therefore, I offer the amendment.

Mr. FOSTER. Mr. Chairman, I wish to offer an amendment to the amendment of the gentleman from Illinois, to add the words "and by union labor," so that it shall be an 8-hour day and also by union labor.

Mr. CANNON. That amendment is not in order. When my amendment is disposed of then the gentleman's amendment will be in order. My amendment is an amendment to the substitute, and a substitute is amendable only in the first degree.

Mr. FOSTER. I offer my amendment to the amendment of the gentleman from Illinois [Mr. CANNON].

The CHAIRMAN. That amendment is not in order at this time.

Mr. BUCHANAN. Will the gentleman yield?

The CHAIRMAN. The gentleman from Illinois [Mr. FOSTER] has the floor if he desires it.

Mr. FOSTER. I yield to my colleague.

Mr. BUCHANAN. I should like to suggest that if you make the provision that union labor be employed you can cut out the other part of it, because it will be an eight-hour day. Organized labor has already secured an eight-hour day in most industries which are organized.

Mr. FOSTER. I think it would be well to put in the amendment, so that there can be no question about it.

Mr. CANNON. When my amendment is disposed of the gentleman can offer any amendment that is in order.

Mr. FOSTER. Will not the gentleman accept that modification?

Mr. CANNON. I will not accept any amendment to my amendment, because when it is either agreed to or rejected my colleague Mr. FOSTER can offer any amendment he sees fit to offer; and I think the gentleman, with his knowledge of parliamentary law and his great zeal for the public service, is quite competent to stand upon his own merits, without seeking to fasten himself upon my coat tails. [Laughter.]

Mr. FOSTER. I will say to my friend from Illinois that I am very glad to see that he has come to a time in this House when he is taking the opportunity to recognize union labor. [Applause.] I congratulate the country and the House that this amendment has been offered at this time. I am glad indeed to know that my colleague has offered it. I do not desire to cling to his coat tails in this matter, but I would like to have him go a little further and accept a modified amendment and make it apply to union scale of wages, so the worker may not only have a shorter day, but a living wage.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. CANNON] to the substitute.

The question was taken, and the amendment to the substitute was agreed to.

Mr. CANNON. Now it is in order for the gentleman from Illinois to offer his amendment.

Mr. FOSTER. Mr. Chairman, I offer an amendment "and by union labor," to follow the words "eight hours a day."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert after the word "day," in the substitute, the words "and by union labor."

Mr. FOSTER. Mr. Chairman, I think this amendment speaks for itself, that the coal which the Government proposes to buy shall be mined under the 8-hour day provision, as offered by my colleague from Illinois, and also that there shall be employed union labor, which is an organized effort for fair pay and better conditions in the mines; that these men who employ pauper labor, that do not pay a living wage, can not furnish coal to the Government. I am glad, indeed, that this provision for 8 hours a day has been put in the bill, and I hope this amendment that I offer will be adopted and that my colleague, the gentleman from Illinois [Mr. CANNON] having done good work in putting restrictions on the bill for 8 hours a day, will join with me, and that the labor in this country will be given consideration by the Government in the purchase of the coal under these conditions, so the wages will be fair.

Mr. MICHAEL E. DRISCOLL. And it will be a stand-off between you.

Mr. FOSTER. I hope my colleague will support my amendment as heartily as I supported his.

Mr. CANNON. Mr. Chairman, I desire to say, touching the amendment of my colleague from Illinois, that I never yet in this House have offered an amendment touching the public service that abounded in demagoguery, nor have I ever failed to voice my true sentiments upon any question that was presented touching the public service.

I offered the amendment in the best of faith, realizing, if you choose, that through organization and a wise public sentiment we had an eight-hour day in the coal-mining industry.

Let me say to my colleague that union labor in the United States has always received my approval. I have been called upon to defend my position touching union labor. I have received the assaults of people who profess to lead federated labor, not in one campaign, but two, aye, three, and I have always taken the position that if I lived by labor, in the sweat of my face, under the changed and changing conditions in production, that in simple self-protection I would federate with my co-laborers, unite for the purpose of making a contract between one employer, whether it be a person or corporation, and on the other hand, the employees—thousands and thousands and tens of thousands of whom could not singly act effectively, each one making a separate contract. That has been my position always, and it is my position now. [Applause.]

Now, the man in union labor goes there voluntarily, and I say again that if I was a coal miner or a worker in the machine shop or operating on the railway I would combine for the purpose indicated. I have appealed, when attacked by Samuel Gompers and some other labor leaders who came in person and sent walking delegates into my district to defeat me—I have frankly said to the 12,000 men federated in the building trades and operating in the mines exactly my position as I have indicated it here. Then I have turned and appealed to them and said, "I have stated everywhere that you do not want excep-

tional legislation, class legislation, for your protection; you are American citizens, thank God, and you never mortgaged your manhood, you never mortgaged your politics, to the dictation of any man or men. You organized for a specific purpose and for no other; and I want to say to you that I am satisfied that I always received 95 per cent of the Republicans of the 12,000 people that were organized in union labor in my district." [Applause on the Republican side.]

A man has a right to be federated—to join the union. A man also has a right not to join a union. They are all American citizens. There are said to be 2,000,000 voters among the federated labor unions of the country.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CANNON. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CANNON. Mr. Chairman, there are said to be about 2,000,000 voters among those who are federated in labor organizations. That includes the railway employees who are not federated but who have very efficient organizations without being federated. There are 92,000,000 of people in the United States—

Mr. HAMILTON of Michigan. Ninety-six.

Mr. CANNON. Ninety-six, says my friend from Michigan. There are, say, twenty-five to thirty millions of men laboring on and off the farm and elsewhere who are not unionized, as against the 2,000,000 who are unionized. They have just as much right under the Constitution and under the law to their liberty and protection as has the man who is unionized. Does my friend say they have not? Does any man here within the sound of my voice say they have not? I pause for a reply. I pause for a reply from my other colleague [Mr. BUCHANAN], who was a labor leader. I get no reply. Therefore, when my colleague Mr. FOSTER offers an amendment that the coal shall be produced under an 8-hour day, and that the labor by which it is produced must be unionized, he seeks to say that every man who is not unionized shall be shut out of that industry, and by the same rule out of every industry; and that before he can assert his constitutional right to liberty and equality of opportunity he must be unionized. God save the unions of this country from such statesmanship! [Applause.]

Is there any man on that side of the House who does not agree with what I say? If so let him stand up and speak now. I pause for an answer. No one answers nay. Let us be honest with ourselves. Cooperation and unionization of labor is here to stay. Thank God, it ought to stay. I indorse it, but I defend the multiplied thousands that are so organized and so federated against the hot-footed man or men who wants to pick them out of all the 92,000,000 people of this country and say, "You shall be preferred by law over the other 90,000,000." Shame on such a position!

Mr. Chairman, I am ready for a vote. [Applause.]

Mr. FOWLER. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Certainly.

Mr. FOWLER. Mr. Chairman, I desire to ask my colleague if under the regulations of coal mining to-day in America it is not practically impossible to mine coal except by labor that is organized?

Mr. CANNON. Why, the labor is organized and it is mining the coal and it is improving its condition. It is improving its hours, improving it from every standpoint. That is the condition. I am for maintaining it. It has been achieved without such proposed legislation as my colleague suggests, and it is not necessary. I deal with practical questions, and not with possibilities.

Mr. BUCHANAN. Mr. Chairman, I am certainly pleased at the turn that matters have taken in regard to an eight-hour day, and pleased to have the support of my colleague in securing legislation providing that work shall be done under an eight-hour day and fair conditions for labor. I am of the opinion, however, that the pending amendment probably would not stand a constitutional test. Having been in the labor movement for a number of years, I have had some experience in securing the passage of city ordinances and State legislation for the betterment of labor and to throw greater safeguards around the life and limb of the workers. I have always considered that where we had a provision for the employment of union labor, it would be considered class legislation. I am somewhat surprised at the absence of our constitutional lawyers to-day. They seem to be very numerous at times.

I have never made any pretense of knowing much about the law, but still I have had some experience with it. I want to say, in addition to what my distinguished colleague and friend,

Mr. CANNON, has said, that I have had a wide experience in the organized-labor movement, and I believe, and my record will show, that my efforts have been quite successful. The splendid results of union labor should, it seems to me, bring all labor to the realization of the need of uniting their forces for protecting their interests. Labor, as will be seen, if you look over the history of the world, has never obtained any great consideration in the way of reduction of hours, increase of wages, or betterment of conditions except through unity of action in organized labor. [Applause.] They are sometimes given assistance by those who think they might be a power in politics, and that it might not be safe for a public man to deny the legitimate and fair requests of organized labor. If labor would unite for political action, regardless of past party affiliations, public men who denied their requests for remedial legislation would soon be relegated to the political scrap pile.

I want to say that so far as I am concerned, although I spent the best years of my life for the uplifting and betterment of the workmen, I do not make any claims to be able to receive 95 per cent of the labor votes, as does my colleague Mr. CANNON. I do not believe that labor has come to a realization of the need of that yet. I have in my endeavors toward organized labor tried to point out to its members the need of their exercising their influence in a wise, legitimate political policy for the purpose of securing legislation giving them their rights as organized workmen and equality in the legislation and administration of the law. They have never been, and would not be, justified in asking remedial legislation that would not apply to all the people, and they never have asked it, to my knowledge.

Now, something has been said here about the president of the American Federation of Labor in regard to his activity in political affairs. I know something about that matter. I know Mr. Gompers personally, and respect and admire him for his brilliant intellect, rugged honesty, sincerity of purpose, and fidelity to a principle, and I know something about his record as a laboring man. Mr. Gompers hesitated to go into politics, and when he did go into it, it was to carry out the demands of a conference that was held, if my memory serves me right, in March, 1907, and which might be called a special convention which had representatives not only of those organizations affiliated with the American Federation of Labor, but those that were not affiliated with the American Federation of Labor, and I suppose so far as representation is concerned it was one of the largest conventions that the laboring people of this country have ever had.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LITTLEPAGE. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended for five minutes.

The CHAIRMAN. The gentleman from West Virginia asks unanimous consent that the time of the gentleman from Illinois may be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BUCHANAN. That meeting or convention instructed the executive officers of the American Federation of Labor as to what they should do. The plan, as I remember it, was to appeal to Congress for redress, and appeal to the President or to anyone from whom they might get results in the way of remedial legislation against the abuses of injunctions and other policies which were obstructing their fundamental and constitutional rights as organized American workmen. [Applause.]

Their appeals to the Republican House of Representatives were received with deaf ears. They appealed to the President without avail, and then went to the Republican convention, where they were again turned down. They next went to the Democratic convention, and what they asked for was put in the Democratic platform. What else could these people do under the circumstances except support those who had complied with their wishes and oppose those who had received their appeals with deaf ears? They would have been ingrates and not worthy of the respect and confidence reposed in them if they had not supported the Democratic candidate for President, whose record had been favorable to labor legislation.

The American Federation of Labor never has been a partisan organization. Its political influence has never been used only to support its friends and oppose its enemies. The Socialists in the labor movement endeavored at times to make the Federation of Labor a tool for that political group, but failed. The American trade-union movement has refused to be the tail of the kite of any political organization. [Applause.] Mr. Gompers's political position has been the position of organized labor, and that is what I desire to make clear to you, that Mr. Gompers should not be attacked for what he has done in political matters unless you attack the trade-unions, because

he was carrying out what he had been instructed to do by the representatives of the unions, and I think it was a credit to him to make the political fight he did in 1908. To do so was answering the call of duty.

Mr. GARNER. Will the gentleman yield?

Mr. BUCHANAN. I will.

Mr. GARNER. Does the gentleman know of any instance where Mr. Gompers or any other national representative of the Federation of Labor has ever asked that their union be officially recognized by the Congress of the United States?

Mr. BUCHANAN. I do not remember that they have ever asked for legislation that would require the Government or any employer to employ union labor. What they have asked for is fair conditions and a square deal. Organized labor is willing to take its chance to get work if you will give it the conditions [applause], because it has the most efficient workmen in its ranks. The question of efficiency, however, is a speech in itself, but I want to say that by personal experience I have learned that where you give the shortest workday and the greatest amount of liberty consistent with the work that is being done you will find the greatest efficiency and, in my opinion, the best products and the labor cost cheapest.

I regret that it seems to be necessary to take up the time of the House to-day in regard to this matter, but the question has been raised in a way which necessitates my making certain explanations. There have been things that have occurred with the organization that I had the honor to represent four years previous to 1905, when I retired from activity in the labor movement, that have cast reflections upon organized labor. My four years as international president of the Structural Iron Workers of this country gave me an insight into what is being done in the industries of this country. There are the so-called captains of industry—I would think that some who are parading as captains of industry would be better named if they were called captains of highbinders instead—and I want to make a distinction here between what I consider the honest, legitimate employers and what I consider commercial and industrial pirates.

The interests of organized labor and honest, legitimate business can not be separated. They lie together, and when they are fighting it is like the right arm fighting the left; and while the legitimate employer and employees are fighting, spurious capital, watered-stock jugglers, and frenzied financiers are robbing them all, yet they continue to jump at each other's throats, apparently ignorant of what the real trouble is.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BUCHANAN. Could I impose upon the committee for five minutes more?

Mr. CANNON. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] asks that the time of his colleague [Mr. BUCHANAN] be extended for five minutes. Is there objection?

There was no objection.

Mr. BUCHANAN. Mr. Chairman, I shall make this distinction so that I will be understood, because as a representative laboring man I endeavored to teach the members of my organization that their interests lay in the success of the industry in which they worked, and that if the organization became sufficiently powerful to enforce rules that would result in the obstruction of that industry the enforcement of such rules would be antagonistic with their own interests.

While international president of the Structural Iron Workers in 1903 I discovered that some of the big employers in the building industry in New York City were in collusion with a group of unscrupulous and dishonest labor men for the purpose of destroying competition. This naturally developed a system whose disreputable methods and tactics made it incumbent upon me, as the executive head of the ironworkers' organization, to enter into a contest to bring about its overthrow. This group of unprincipled men in the labor movement was applying the resources of the union to their own personal use and ambitions at the sacrifice of the interests and almost the existence of the organization. Upon entering this contest I realized that I was opposing a dangerous, violent crowd and probably taking chances on my life. In fact, many of my friends and associates cautioned me repeatedly of the fact that they might do me bodily injury, but I felt that the interests if not the existence of the organization depended upon the overthrow of this malicious element. I found that the dishonest employer was largely responsible for the methods that were practiced, and once, when I told the president of the Building Employers' Association in New York City that the employers were more responsible for existing conditions than the labor unions, he

said to me, "BUCHANAN, you can get no argument out of me about that; I know it better than you do."

This plutocratic element of industrial highbinders and commercial pirates which is preying upon and sucking the lifeblood out of the business world as well as the laboring men has its poisoned fangs stuck into all these movements with a view to creating turmoil and disruption within their ranks and in that way bring about their probable destruction.

It is encouraging to me to have men like my colleague from Illinois [Mr. CANNON] recognize the rights of the laboring people and the need of shorter hours and better conditions. I believe in the labor movement, in that conservative, sensible element which is working earnestly and honestly to uplift the labor interests of this country and thereby make it better and brighter. I believe that when their efforts are understood the better element of business men—which element is in the great majority, if you please; the commercial highbinders and pirates of whom I have spoken are very much in the minority in the business world—the legitimate, fair-minded business men will give organized labor their indorsement when they find that the minority—the highbinders and pirates—on account of greed and avarice, in collusion with the unscrupulous and dishonest element in the labor movement, have been able to retard the real progress of that movement in establishing equitable conditions.

Mr. BATHRICK. Here is an amendment requiring that all the labor of a coal mine furnishing coal to the Government, as I understand it, must be union labor. Is that the way you understand the amendment?

Mr. BUCHANAN. Yes.

Mr. BATHRICK. Do you not think an amendment so radical as this is antagonistic to the labor interests of the country?

Mr. BUCHANAN. No; do not misunderstand me. I believe that the Government should recognize trade-union conditions, because organized labor has established a better wage scale and more favorable conditions than where labor has not been effectively organized; and since the prosperity of the country depends upon labor's interests being protected, I believe legislation favoring union conditions would be advantageous to the people of our country. But, due to many decisions rendered by our judges, labor seems to be impressed that judges are receiving their convictions from the sources that secure them their positions, which are the big business interests and trusts of the country; and while I favor the principle of the amendment, yet I think it would be unwise to pass such legislation, because it would not stand the constitutional test.

Mr. BATHRICK. Now, I am in favor of the eight-hour law—

Mr. BUCHANAN. So am I. I worked for it a number of years and have given the best part of my life to secure it.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. BUCHANAN] has expired.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent that the gentleman may have two minutes more.

Mr. MARTIN of Colorado. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended five minutes.

Mr. PADGETT. Let me ask, Mr. Chairman, that this debate come to a conclusion. I do not want to object, but the gentleman's time has been extended already two or three times. I ask that it be extended for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BATHRICK. Mr. Chairman, I want to finish my question. I wish to state that I am in favor of the employment of eight-hour labor on the goods that the Government buys—that is the Government's right the same as a private employer—but I can not be in favor of a proposition which compels the people who manufacture these goods to employ union labor entirely on all classes of goods, shutting out all other kinds of labor by law. I want to ask you if you are in favor of that provision?

Mr. BUCHANAN. I am in favor of the principle of that provision; yes; but I think my colleague ought to withdraw it, because it would be unconstitutional and poor public policy.

Mr. BATHRICK. I thought it was so radical that it was impossible to pass legislation of that kind and would harm labor by the ridicule thus brought upon it.

Mr. BUCHANAN. If you will refer to my record you will be compelled to think that I am in favor of organized labor. I believe in organized labor using its resources in a proper and conservative manner. When I say to you that I had the friendship and support of such men as Senator Hanna and that I had an autograph letter from "The strenuous one" and others high in public life, and had their assistance in my efforts, it would indicate, at least, that I was reasonable in my requests. My

position was, as a representative of organized labor, that the best man in the labor movement for the interests of labor was that man who secured the best terms possible under the conditions that prevailed with the least friction and the least ill will on the part of his employer. I always felt that if I obtained favorable conditions for the members of my organization and at the same time kept the good will of the employer I had accomplished more than if I had called a strike for it.

The history of my organization during the four years that I was its international president speaks for itself, because no other organization in the history of the labor movement ever made greater progress than it did in the same period of time.

Through that unity of action of the ironworkers they have increased their wages from an average of \$2.25 a day previous to their organization to an average of \$4.50 a day since the organization has been effected and also reduced the hours per day from 10 to 8. The organization also provides for funeral expenses and disability benefits. I gave my best efforts to secure improved conditions for the men who worked at the structural-iron industry, one of the hardest and most hazardous trades there is. The structural iron workers, the men who trip the beams and girders that span the mighty rivers and make possible our great interstate commerce, are worthy of much more consideration than they have ever been given, and I only wish that I could have been of greater service to them in securing the conditions to which they are duly entitled.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HEFLIN. Mr. Chairman, I have listened with a great deal of interest to the speech of my colleague from Illinois [Mr. BUCHANAN], who, as he said, has spent a large portion of his life in the real service of the laboring people of the country. There is no man in this House who will vote more readily than I will to aid those who toil in the mines and in the shops and in the fields and other places in this country for their livelihood, and I do not like to see sport made of them or their organizations, those who belong to the organization or those who do not.

I have served eight years with the gentleman from Illinois [Mr. CANNON] and I never heard him, when the Republicans were in power in this House, offer anything that even looked like eight hours to the laboring people of the United States. [Applause on the Democratic side.] And now, when his party has been driven from power in the House and is soon to be driven from power in every branch of the Government [applause], the gentleman talks of eight hours' labor.

Mr. CANNON. Mr. Chairman, will the gentleman yield to an interruption?

Mr. HEFLIN. Yes.

Mr. CANNON. The gentleman says my amendment was unconstitutional. He is mistaken if he refers to me. I think he refers to his colleague, Dr. FOSTER. He offered an amendment that only union labor should be employed. Mine was for an eight-hour law in the production of coal.

Mr. HEFLIN. Digging coal.

Mr. CANNON. For the production of coal, either in Australia by 10-hour labor, or in British Columbia by 11-hour labor, or in the United States by 8-hour labor.

Mr. HEFLIN. Is the gentleman opposed to the man who is not a member of the union digging coal for a livelihood to provide subsistence for his wife and children?

Mr. CANNON. I would protect him, even from the gentleman from Alabama, if he wanted to work in the coal mines, whether he belonged to the union or not. [Applause on the Republican side.]

Mr. HEFLIN. Mr. Chairman, the gentleman is exceedingly late in his efforts to protect the laboring man [applause on the Democratic side]—after 16 years of power in this House—and now the gentleman says the laboring men have not mortgaged their souls and their politics. Let me say a word about the gentleman's party in its relation to labor organizations. The manufacturers, whom the gentleman's party pretends to protect, have served notices on organized labor the day before election that if they did not vote the Republican ticket on the morrow they need not come back to work next day. [Applause on the Democratic side.]

That is one of the fruits of Republicanism in this country. [Applause.] The first eight-hour law ever offered in the Congress of the United States was offered by a Democrat from New Jersey by the name of ROGERS. The first political party that ever offered a resolution recognizing union labor in the United States, extending its sympathy and offering its services, was the Democratic Party in national convention in 1868.

Mr. CANNON. Will the gentleman yield?

Mr. HEFLIN. I will yield to the gentleman.

Mr. CANNON. President Grant was the first man in connection with legislation that proposed an eight-hour working-day, as far back as 1868. [Applause on the Republican side.]

Mr. HEFLIN. Mr. ROGERS, of New Jersey, a Democrat, offered a bill in this House prior to that time. [Applause on the Democratic side.]

Mr. CANNON. The gentleman may be correct, but if so, he is lost in space, because everybody thinks it was Grant in 1868.

Mr. HEFLIN. I am correct. I have studied the labor question a long time, and I have not been recently converted to the needs of the laboring man.

Mr. MICHAEL E. DRISCOLL. If the gentleman from Alabama has studied the labor question so long, why has he not done something for labor in his own State, just one little thing? [Applause on the Republican side.]

Mr. HEFLIN. The laborer in my State fares far better than he does in the State of the gentleman from New York, where a hundred thousand men are out of employment and begging for work to-day. [Applause on the Democratic side.] The gentleman from New York talks to me about the laboring man—

Mr. MICHAEL E. DRISCOLL. I mean in the way of legislation.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. HEFLIN. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. HEFLIN. I see that my remarks have warmed up the opposition a little. Whenever you give them the facts you warm them. [Laughter.] Why, the poor, struggling labor masses in the United States are being driven—

Mr. FARR. Will the gentleman yield?

Mr. HEFLIN. No; not now—are being driven to want and misery by the merciless laws of the Republican Party under the system of high protection. One candidate for President says "Down with the bosses," but he does not name the bosses. The other one is talking about the "dignity of the courts" and the deceit and hypocrisy of the ex-President, but the Democratic Party says, "Here is the evil, here it is." What is it? It is the high protective-tariff system of the Republican Party. [Applause on the Democratic side.]

Mr. FARR. Will the gentleman yield?

Mr. HEFLIN. Now I will yield to the gentleman.

Mr. FARR. I desire to ask the gentleman if in the State of Alabama they are not working convicts in the mines against free labor?

Mr. HEFLIN. Some convicts are working in the mines. I am talking of national affairs. The gentleman can not dodge the issue. That is what a Republican does every time you mention the tariff. We are dealing with national issues now; we are discussing national questions. Your party promised these men employment, you promised them good wages, you promised them work for all, and I think one of you said, "All kinds of work for all kinds of people," and you can not pick up a daily paper now without reading that some poor husband and the father of children has taken carbolic acid or shot his brains out because he could not find work under a Republican administration. [Applause on the Democratic side.]

Mr. GOOD. Will the gentleman yield?

Mr. MICHAEL E. DRISCOLL. Mr. Chairman—

Mr. HEFLIN. I can not yield now. I have only a few moments left. I can not afford to yield any more time. Your candidates are going around the country to-day and they are not talking about the deadly upas tree flourishing in the political life of America—the high protective-tariff system—beneath whose shade you are robbing the American masses to-day. Trusts are springing up all around us, and yet when you have been driven out of this House—the only branch of power you have lost in 15 years—you are trying now to bolster yourselves up by trying to fool again that class that you have deceived so long—the laboring people of the United States. [Applause on the Democratic side.]

Mr. Chairman, thank God for the political judgment day that is coming. [Applause on the Democratic side.] It is not long off, the political judgment day in the United States, and many of you on that day will not be prepared. [Laughter and applause on the Democratic side.] You fooled the laboring people many a time, but at last their eyes are open and they are going to walk with heads erect, ballots in their hands, on election day next November with the party that has stood for labor since its birth; the party whose representative offered the first 8-hour law in Congress will find this mass of the laboring men in the United States solid beneath its flag in the November election. [Applause on the Democratic side.] After that you will have time to think of how you might have served the laboring man during the long years you were in power

before we carried this House. [Applause on the Democratic side.]

Mr. PADGETT. Mr. Chairman, I move that all debate on this paragraph and amendments thereto be now closed.

Mr. CANNON. I trust the gentleman will not do that.

Mr. MICHAEL E. DRISCOLL. Before that is done I want to make a request for unanimous consent.

Mr. PADGETT. I will amend my motion, and move that the debate close after 10 minutes.

Mr. CANNON. I should like 10 minutes.

Mr. PADGETT. I will yield to the gentleman. I move that debate on this paragraph and all amendments thereto close in 10 minutes; and I ask unanimous consent that the 10 minutes be given to the gentleman from Illinois [Mr. CANNON].

Mr. HEFLIN. I reserve the right to object. If the chairman proposes to close debate in 10 minutes, he must give 5 minutes of that time to a Democrat.

Mr. PADGETT. There has been debate on both sides.

Mr. HEFLIN. I will object unless you divide the time and give some Democrat 5 minutes.

Mr. PADGETT. Who on this side wants five minutes?

Mr. FOSTER. I want a minute.

Mr. MICHAEL E. DRISCOLL. I want a minute on this side.

Mr. PADGETT. I move that at the end of 15 minutes the debate on this paragraph and amendments thereto close, and I will ask that the gentleman from Illinois [Mr. CANNON] have 10 minutes, and the other gentleman from Illinois [Mr. FOSTER] 5 minutes.

Mr. HEFLIN. Mr. Chairman, just a moment, reserving the right to object. How much time has the gentleman from Illinois [Mr. CANNON] consumed in the argument of this question?

Mr. MICHAEL E. DRISCOLL. How much time has the gentleman from Illinois [Mr. BUCHANAN] consumed?

Mr. PADGETT. I think the gentleman from Illinois [Mr. CANNON] had 10 minutes. I have not been keeping track of the time.

The CHAIRMAN. The gentleman from Tennessee [Mr. PADGETT] moves that at the expiration of 15 minutes all debate on the paragraph and all amendments thereto be closed.

The question being taken, on a division (demanded by Mr. HEFLIN) there were—ayes 42, noes 14.

Accordingly the motion was agreed to.

Mr. FOSTER. I ask unanimous consent to modify my amendment, and to substitute the one I now send up for the one I previously offered.

The CHAIRMAN. The gentleman from Illinois [Mr. FOSTER] asks unanimous consent to modify his amendment to the substitute. The Clerk will report it.

Mr. CANNON. The gentleman offers an amendment to the substitute. Does he withdraw that?

Mr. FOSTER. I want to offer this as a substitute for the one I did offer.

Mr. CANNON. It is not amendable, but the gentleman can ask unanimous consent.

The CHAIRMAN. The Chair understands the gentleman from Illinois [Mr. FOSTER] to ask unanimous consent to modify his amendment by offering for it a substitute which the clerk will report.

The Clerk read as follows:

And that does not pay the union scale of wages.

The CHAIRMAN. Is there objection to the substitution of this amendment for the other one offered by the gentleman from Illinois [Mr. FOSTER]?

Mr. CANNON. I have no objection to the gentleman offering it.

The CHAIRMAN. The Chair hears no objection.

Mr. BUCHANAN. I ask unanimous consent to extend and revise my remarks in the RECORD.

The CHAIRMAN. The gentleman from Illinois [Mr. BUCHANAN] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. If there is no further debate, the question is on the adoption of the amendment.

Mr. CANNON. Mr. Chairman, the gentleman from New York [Mr. MICHAEL E. DRISCOLL] desired some time.

Mr. MICHAEL E. DRISCOLL. Just a minute or two.

Mr. CANNON. Does the gentleman ask for recognition?

Mr. MICHAEL E. DRISCOLL. Yes; I asked for recognition.

Mr. CANNON. I should like to close the debate.

Mr. MICHAEL E. DRISCOLL. I should like just two minutes, if the gentleman will give it.

Mr. CANNON. I do not give it, because the gentleman can be recognized in his own right.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I do not intend to occupy more than two minutes of your time on this

question, but on account of the turn which this debate has taken I am prompted to refer to it in a very few words.

There has been a good deal of buncombe here this afternoon; more playing to the galleries and for home consumption than usual. One gentleman offers an amendment that all coal purchased by the United States shall be mined by labor that is employed not exceeding eight hours a day, and another gentleman, in order to go him one better and make a stronger appeal to his home constituents, offers an amendment that it be mined by union labor. No one can tell how far these gentlemen would have gone in their maneuvering for position had not the gentleman from Illinois [Mr. BUCHANAN], who is a real friend of organized labor, taken up the subject seriously and urged the gentlemen to be careful, else the whole provision might be held to be unconstitutional. He thought they were carrying the joke too far.

The gentleman from Alabama [Mr. HEFLIN] grew so red in the face that I feared he might burst a blood vessel in avowing his sympathy for the downtrodden workingman and his desire to relieve him of some of his burden. I said I would not occupy the time of the committee in discussing this matter here at any length, and I therefore ask unanimous consent to extend a few remarks in the RECORD and to print a few extracts from the statutes, and perhaps from the constitution of the State of Alabama and of some other States which are represented here by gentlemen who are all the time talking buncombe on the question of labor, and who are doing nothing for their people at home on this question.

I question the good faith, I question the sincerity of gentlemen who come here and become very earnest and eloquent talking about labor, their interest in the working men and women, and their sympathy for the people, who in their home States do very little to improve the conditions of labor; where they have statutes in their States which are hostile to employees and servants, which provide that a person who persuades a servant to leave the employment of his master shall be imprisoned in the county jail; that a person who hires or entices away the employee of another shall be punished by a heavy fine; that a person who furnishes food or clothing to the apprentice of another shall be guilty of a penal offense; and that anyone who employs or entices from the employment of another an immigrant may be imprisoned at hard labor.

It strikes me that it would be very appropriate for those gentlemen who make such loud and long speeches in Congress to go back and do a little something for labor in their own States and set an example by acts rather than by talking here and by offering resolutions and bills. In those States the Democratic Party is in absolute and unquestioned control of their State governments. There is no real opposition to them in what they may desire to do in the way of legislation. They may, without let or hindrance, enact laws which are favorable or unfavorable to working people, and I submit that their interest in labor and in humanity manifests itself in words rather than in acts.

I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. BARTLETT. Mr. Chairman, reserving the right to object, I would like to know what they are to be.

Mr. MICHAEL E. DRISCOLL. I will put them into the RECORD right from the gentleman's State—your statutes. Are you afraid of your own statutes?

Mr. BARTLETT. No; not in the least; or of you, either. [Laughter.]

Mr. MICHAEL E. DRISCOLL. I do not ask for anything except to put in the RECORD some of the statutes of your States.

Mr. BARTLETT. Let us see what they are.

Mr. MICHAEL E. DRISCOLL. Oh, I will not manufacture them.

The CHAIRMAN. Is there objection?

Mr. HOWARD. I reserve the right to object.

Mr. MICHAEL E. DRISCOLL. They pertain to labor, employees, workingmen, employers.

Mr. BARTLETT. I think I shall not object, but of course I take it for granted that the gentleman's statement that they are from the statutes of the State of Georgia is correct.

Mr. MICHAEL E. DRISCOLL. Alabama and Georgia and other Southern States, whose Representatives here do much talking on the subject of labor.

Mr. BARTLETT. What particular statutes of Georgia has the gentleman in mind?

Mr. MICHAEL E. DRISCOLL. Oh, the gentleman has a lot of statutes down there, and I will select a few of them.

Mr. BARTLETT. Oh, we have several statutes; yes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York to extend his remarks in the RECORD?

Mr. HEFLIN. Mr. Chairman, reserving the right to object, I shall have no objection if the gentleman will include in the extension of his remarks a full and complete list of the unemployed now in New York. [Cries of "Oh!"]

Mr. MICHAEL E. DRISCOLL. Is that the condition? Are you afraid of your statutes being put in the RECORD?

Mr. HEFLIN. Not at all.

Mr. MICHAEL E. DRISCOLL. Are you afraid of your constitution?

Mr. HEFLIN. Not at all.

Mr. MICHAEL E. DRISCOLL. Have I got to get a list of all of the men, women, and children who are out of employment in the State of New York in order that I may be permitted to extend in the RECORD a few of your statutes? [Cries of "Regular order!"]

The CHAIRMAN. Is there objection to the request of the gentleman from New York to extend his remarks in the RECORD? [After a pause.] The Chair hears none, and it is so ordered.

Mr. MICHAEL E. DRISCOLL. I will first insert a few sections from the Criminal Code of Alabama, 1907.

SEC. 6849. Any person who entices, decoys, or persuades any apprentice or servant to leave the service or employment of his master must, on conviction, be fined not less than \$20 nor more than \$100; and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than three months.

SEC. 6850. Any person who knowingly interferes with, hires, employs, entices away, or induces to leave the service of another, or attempts to hire, employ, entice away, or induce to leave the service of another any laborer or servant, renter, or share cropper, who has contracted in writing to serve such other person for any given time not to exceed one year before the expiration of the time so contracted for, or who knowingly interferes with, hires, entices away, or induces any minor to leave the service of any person to whom such service is lawfully due, without the consent of the party employing, or to whom such service is due, given in writing or in presence of some credible person, must, on conviction, be fined not less than \$50 nor more than \$500, at the discretion of the jury, and in no case less than double the damages sustained by the party whom such laborer or servant was induced to leave, one half to the party sustaining such damage and the other half to the county.

SEC. 6851. When any laborer or servant, renter, or share cropper, having contracted as provided in the preceding section, is afterwards found in the service or employment of another before the termination of such contract, that fact is prima facie evidence that such person is guilty of a violation of that section if he fail and refuse forthwith to discharge such laborer or servant after having been notified and informed of such former contract or employment.

SEC. 6853. Any person who entices away any apprentice from his master, or knowingly employs an apprentice or furnishes him food and clothing without the written consent of his master, or gives or sells such apprentice ardent spirits without such consent, must, on conviction, be fined not exceeding \$500.

SEC. 6854. Any person who employs any immigrant, or otherwise entices him from his employer, in violation of the contract of such immigrant, must, on conviction, be fined in a sum not less than the amount of wages for the unexpired term of the contract, and may be imprisoned in the county jail or sentenced to hard labor for the county, at the discretion of the jury, for not more than three months.

SEC. 6855. Any immigrant who abandons or leaves the service of an employer without repaying all passage money and all other advances must, on conviction, be fined in a sum not more than double the amount of the wages for the unexpired term of service and imprisoned not longer than three months, or sentenced to hard labor for the county for not more than three months, at the discretion of the jury.

SEC. 6856. Any person who, by force or threats of violence to person or property, prevents, or seeks to prevent, another from doing work or furnishing materials, or from contracting to do work or furnish materials, for or to any person engaged in any lawful business, or who disturbs, interferes with, or prevents, or in any manner attempts to prevent the peaceable exercise of any lawful industry, business, or calling by any other person, must, on conviction, be fined not less than \$10 nor more than \$500, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than 12 months.

SEC. 6394. Any two or more persons who conspire together for the purpose of preventing any person, persons, firm, or corporation from carrying on any lawful business within the State of Alabama, or for the purpose of interfering with the same, shall be guilty of a misdemeanor.

SEC. 6395. Any person or persons who go near to or loiter about the premises or place of business of any person, firm, or corporation engaged in a lawful business for the purpose of influencing or inducing others not to trade with, buy from, sell to, or have business dealings with such person, firm, or corporation, or to picket the works or place of business of such other person, firm, or corporation for the purpose of interfering with or injuring any lawful business or enterprise, shall be guilty of a misdemeanor; but nothing herein shall prevent any person from soliciting trade or business for a competitive business.

SEC. 6396. Any person who prints or circulates any notice of boycott, boycott cards, stickers, dodgers, or unfair lists, publishing or declaring that a boycott or ban exists or has existed or is contemplated against any person, firm, or corporation doing a lawful business, or publishing the name of any judicial officer or other public official upon any blacklist, unfair list, or other similar list because of any lawful act or decision of such official, shall be guilty of a misdemeanor.

SEC. 6397. Any person who uses force, threats, or other means of intimidation to prevent any person from engaging in any lawful occupation at any place he or she sees fit, shall be guilty of a misdemeanor.

SEC. 6399. Any person, firm, or corporation violating any section of this chapter must, on conviction, pay a fine of not less than \$50 nor more than \$500, or be imprisoned not to exceed 60 days' hard labor for the county.

The following extracts are taken from the Revised Statutes of Texas of 1895, Penal Code:

ART. 299. "An unlawful assembly" is the meeting of three or more persons with the intent to aid each other by violence or in any other manner to commit an offense or illegally to deprive any person of any right, or to disturb him in the enjoyment thereof.

ART. 309. If the purpose of the unlawful assembly be to prevent any person from pursuing any labor, occupation, or employment, or to intimidate any person from following his daily avocation, or to interfere in any manner with the labor or employment of another, the punishment shall be by fine not exceeding \$500.

ART. 324. If any person, by engaging in a riot, shall prevent any other person from pursuing any labor, occupation, or employment, or intimidate any other person from following his daily avocation, or interfere in any manner with the labor or employment of another, he shall be punished by confinement in the county jail not less than six months nor more than one year.

ART. 600. Any person who shall, by threatening words, or by acts of violence or intimidation, prevent or attempt to prevent another from engaging or remaining in or from performing the duties of any lawful employment, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$25 nor more than \$500, or by confinement not less than one nor more than six months in the county jail.

Also the following extracts are from the Acts of 1903, chapter 94, on conspiracy and boycotting:

SEC. 3. Either or any of the following acts shall constitute a conspiracy in restraint of trade:

1. Where any two or more persons, firms, corporations, or associations of persons who are engaged in buying or selling any article of merchandise, produce, or any commodity enter into an agreement or understanding to refuse to buy from or sell to any other person, firm, corporation, or association of persons any article of merchandise, produce, or commodity.

2. Where any two or more persons, firms, corporations, or associations of persons shall agree to boycott or threaten to refuse to buy from or sell to any person, firm, corporation, or association of persons for buying from or selling to any other person, firm, corporation, or association of persons.

SEC. 4. Any and all trusts * * * and conspiracies in restraint of trade as herein defined are hereby prohibited and declared to be illegal.

SEC. 11. Each and every firm, person, corporation, or association of persons who shall in any manner violate any of the provisions of this act shall, for each and every day that such violation shall be committed or continued, forfeit and pay the sum of \$50, which may be recovered in the name of the State of Texas in any county where the offense is committed or where either of the offenders reside, or in Travis County, and it shall be the duty of the attorney general, or the district or county attorney under the direction of the attorney general, to prosecute for the recovery of the same, and the fees of the prosecuting attorney for representing the State in proceedings under this act shall be over and above the fees allowed him under the general fee bill.

SEC. 12. Any contract or agreement in violation of the provisions of this act shall be absolutely void and not enforceable either in law or equity.

SEC. 13. And in addition to the penalties and forfeitures herein provided for every person violating this act may further be punished by imprisonment in the penitentiary not less than 1 nor more than 10 years.

By the foregoing statutes of the State of Texas it is intended, among other things, to severely punish any violation of law which ordinarily grows out of strikes, boycotting, and picketing. Apparently they are intended to protect the employer and the business man from any interference with his trade or business and from any interference with his employees or servants by organized labor or by unorganized labor.

But Texas has another law and practice the effect of which is to build up and establish a political aristocracy in the Commonwealth. It is directed against the poor man, and enhances the political power of the man of means who can pay the tax. I refer to the State poll tax and city poll tax of that State. There are many statutes on this subject for the strict enforcement of the tax and for the disfranchisement of those who do not pay it, the substance of which is as follows:

Every citizen between 21 and 60, with a few exceptions for disability, must pay throughout the State a poll tax of \$1.75, and, in addition to that, every man in cities must pay from 50 cents to a dollar additional poll tax, making a tax in the country of \$1.75 on every voter and in cities of 10,000 and over of from 50 cents to \$1 additional. This tax must be paid on or before the 1st day of February in order that the citizen may vote at the following November election, and he is not qualified to vote at the primary election of his party in the following summer unless he has paid those taxes and is able to produce his receipts for the same. If he lives in the country at a distance from the collector of taxes, he may send in the money by another person, but if he lives in a city of 10,000 population or upward, he must go in person and pay his taxes in order to get his receipt. No man is permitted to pay those poll taxes for another. No party or organization is permitted to do so, and "any person who loans or advances money to another knowingly to be used for payment of poll taxes of such other person is guilty of a misdemeanor," and any candidate for office who pays the poll tax of another is guilty of a felony.

There is no possible subterfuge by which a man can escape paying his poll tax himself with his own money and vote.

Moreover, those taxes must be paid by the man himself and with his own money, and not by any political organization or by any opulent and ambitious individual who, were it not for this provision, might be tempted to advance the money to qualify his impetuous henchmen in the hope that they may vote for his party or himself.

In New York and many other industrial States of the North the overwhelming majority of the population reside in cities of 10,000 population and more, and especially is this true of the poorer classes. If a law such as the aristocratic lawmakers of Texas have adopted were enforced in those Northern States a very large percentage of our voters would be perpetually disfranchised. To begin with, \$2.75 is a heavy poll tax and a substantial burden on a poor man. A dollar is a good deal of money when you have not got it. Those taxes would have to be paid in midwinter, before the 1st of February, when business is stagnant, labor not in great demand, money scarce, food and fuel high, extra clothing for the family needed. Under those circumstances the ordinary man would think twice before he would pay \$2.75 in order to entitle him to vote in the following November. He may be public spirited and patriotic, interested in the institutions of the country and in politics, but at that time he would need the money for something else than to qualify him to vote at an election nine months in advance.

Again, many men who could spare the money without much self-denial might, through carelessness and indifference, neglect to pay and get the required receipt so long in advance, and they would be hopelessly disqualified, the same as those who could not afford the money. No one can tell what proportion of the voters this kind of a law, if as strictly enforced as in Texas, would disfranchise in the State of New York. I would not be surprised if it would disfranchise anywhere from 30 to 50 per cent. That would mean a property qualification for the exercise of the franchise, and it would mean that a very large proportion of the people would lose their political influence and the rights and privileges which flow from that influence.

The following extracts are from the revised statutes of the State of North Carolina, 1905:

Sec. 3365. If any person shall entice, persuade, and procure any servant by indenture, or any servant who shall have contracted in writing or orally to serve his employer, to unlawfully leave the service of his master or employer; or if any person shall knowingly and unlawfully harbor and detain, in his own service and from the service of his master, or employer, any servant who shall unlawfully leave the service of such master, or employer, then, in either case, such person and servant shall be guilty of a misdemeanor and fined not exceeding \$100 or imprisoned not exceeding one month.

Sec. 3374 (as amended by chapter 402, acts of 1907). If any person shall knowingly hire, employ, harbor, or detain in his own service any servant, employee, or wage hand of any other person, who shall have contracted in writing, or orally, for a fixed period of time to serve his employer, and who shall have left the service of his employer, in violation of his contract, he shall be guilty of a misdemeanor and shall be civilly liable in damages to the party so aggrieved. This section shall apply to the following counties: Beaufort, Edgecombe, Person, Pitt, Washington, Warren, Vance, Pender, Halifax, Guilford, Granville, Hertford, Wayne, Wake, and Caswell.

The following extract is from the general statutes of Florida, 1906:

Sec. 3232. Whoever shall entice or persuade by any means whatsoever any tenant, servant, or laborer under contract with another, whether written or verbal, to violate such contract, or shall employ any servant or laborer, knowing him or her to be under contract as aforesaid, shall be punished by imprisonment not exceeding 60 days or by fine not exceeding \$100.

The following are extracts from the laws of the State of Tennessee, Shannon's Code of 1896 and supplement of 1904:

Sec. 4337. It shall not be lawful for any person in this State, knowingly, to hire, contract with, decoy, or entice away, directly or indirectly, anyone, male or female, who is at the time under contract or in the employ of another; and any person (s) so under contract or employ of another leaving their employ without good and sufficient cause before the expiration of the time for which they were employed shall forfeit to the employer all sums due for service already rendered and be liable for such other damages (as) the employer may reasonably sustain by such violation of contract.

Sec. 4338. Any person violating the provisions of the first clause of the last section shall be liable to the party who originally had and was entitled to the services of said employee, by virtue of a previous contract, for such damages as he may reasonably sustain by the loss of the labor of said employee; and he shall also be liable for such damages, whether he had knowledge of an existing contract or not if he fails or refuses to discharge the person so hired or to pay such damages as the original employer may claim, after he has been notified that the person is under contract, or has violated the contract with another person, which amount shall be ascertained and the collection enforced by action for damages before any justice of the peace of said county where said violation occurs, or the party violating said section may reside.

The following extracts are from the laws of Arkansas, Digest of 1904:

Sec. 5028. If any laborer shall, without good cause, abandon his employer before the expiration of his contract, he shall be liable to such employer for the full amount of any account he may owe him, and

shall forfeit to his employer all wages or share of crop due him, or which might become due him from his employer.

Sec. 5030 (as amended by act No. 298, Acts of 1905). If any person shall interfere with, entice away, knowingly employ, or induce a laborer or renter who has contracted with another person for a specified time to leave his employer or the leased premises before the expiration of his contract, without the consent of the employer or landlord, he shall, upon conviction before any justice of the peace or circuit court, be fined not less than twenty-five nor more than one hundred dollars, and in addition shall be liable to such employer or landlord for all advances made by him to such renter or laborer by virtue of his contract, whether verbal or written, with the said renter or laborer, and for all damages which he may have sustained by reason thereof.

The following is an extract from the Statutes of the State of Kentucky, 1903:

Sec. 1349. If any person shall willfully entice, persuade, or otherwise influence any person or persons, who have contracted to labor for a fixed period of time, to abandon such contract before such period of service shall have expired without the consent of the employer, he shall be fined not exceeding \$50, and be liable to the party injured for such damages as he or they may have sustained.

The following is an extract from the Statutes of Louisiana, act, 1906:

ACT NO. 64.

Sec. 2. Whoever shall willfully interfere with, entice away, intimidate, or induce a hired person, tenant, or share hand to leave the service of the employer or to abandon the land the subject of the contract, or who shall knowingly take into his employ any such person before the expiration of the contract, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than \$10 nor more than \$200 for each offense, and shall be liable in a civil action for damages to double the amount of any debt due by said hired person, tenant, or share hand to the person who had made the advances.

The following are extracts from the Penal Code of Georgia:

Sec. 119. If any two or more persons shall associate themselves together in any society or organization, with intent and for the purpose of preventing in any manner any person from apprenticing himself to learn and practice any trade, craft, vocation, or calling, or for the purpose of inducing, by persuasion, threats, fraud, or any other means, any apprentice or apprentices to any such trade, craft, vocation, or calling to leave the employment of their employer, or for the purpose, by any means, of preventing or deterring any person from learning and practicing any such trade, craft, vocation, or calling, every such person so associating himself in such society or organization shall be guilty of a misdemeanor.

Sec. 121. When the servant, cropper, or farm laborer of another is under written contract, attested by one or more witnesses, if any person shall employ such servant, cropper, or farm laborer during the term for which he is employed, knowing that he is so employed and that the term of service has not expired, such person so offending shall be guilty of a misdemeanor.

Sec. 122. If any person shall, by offering higher wages or in any other way entice, persuade, or decoy, or attempt to entice, persuade, or decoy any servant, cropper, or farm laborer, whether under a written or parole contract, after he shall have actually entered the service of his employer, or leave his employer during the term of service, knowing that said servant, cropper, or farm laborer was so employed, he shall be guilty of a misdemeanor.

Sec. 123. If any person or persons, by threats, violence, intimidation, or other unlawful means, shall prevent or attempt to prevent any person or persons in this State from engaging in, remaining in, or performing the business, labor, or duties of any lawful employment or occupation, such offender or offenders shall be guilty of a misdemeanor.

Sec. 124. If any person or persons, singly or together, or in combination, shall conspire to prevent or attempt to prevent any person or persons, by threats, violence, or intimidation, from engaging in, remaining in, or performing the business, labor, or duties of any lawful employment or occupation, such offender or offenders shall be guilty of a misdemeanor.

Sec. 125. If any person or persons, singly or by conspiring together, shall hinder any person or persons who desire to labor from so doing, or hinder any person, by threats, violence, or intimidation, from being employed as laborer or employee, such offender shall be guilty of a misdemeanor.

Sec. 126. If any person or persons, by threats, violence, intimidation, or any other unlawful means, shall hinder the owner, manager, or proprietor for the time being from controlling, using, operating, or working any property in any lawful occupation, or shall by such means hinder such person from hiring or employing laborers or employees, such offender or offenders shall be guilty of a misdemeanor.

The following extracts are from the Code of Virginia, 1904:

Sec. 44. A contract for labor for a term of service, not exceeding two years, made in a foreign country with a person who shall immigrate to this State and duly attested by the United States consul or commercial agent at the port where such immigrant shall embark, shall be respected and enforced to the same extent and in the same manner as if made within the State.

Sec. 45. Every contract made as aforesaid shall be in duplicate, the original in the vernacular language of the immigrant, which shall be retained by him; the duplicate in the English language, which shall be recorded in the county or corporation wherein such employer resides within 10 days after the arrival of said immigrant at such residence, and until so recorded such employer shall not be entitled to the benefit of the provisions of this chapter applicable to such contracts.

Sec. 46. Any immigrant who is a party to any such contract shall have the right to apply to a justice, who shall require personal security for the payment of wages at the times specified in said contract; or if not so specified, then monthly; and any immigrant who, without good and sufficient cause, shall be discharged from the service of an employer may recover from him, in addition to the amount due for past services, damages not exceeding the wages for three months of the unexpired term of his contract.

Sec. 47. An immigrant bound by any such contract who shall, without good and sufficient cause, leave the service of his employer shall be liable to said employer for an amount not exceeding the sum which may or would be due for a period not exceeding three months of the term of his contract.

Sec. 48. All the provisions of the four preceding sections shall apply to contracts made with immigrants after their arrival in the United States, as well as to contracts made in a foreign country, except that such contracts made within the United States may be attested by a justice or other officer authorized by law to attest and affix his official seal to such contract.

Virginia is the only State I find whose statutory law provides for contract labor of foreigners; and to show how backward it is in this respect I cite the following sections of the United States Statutes of 1883, chapter 164:

SECTION 1. That from and after the passage of this act it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation or in any way assist or encourage the importation or migration of any alien or aliens, any foreigner or foreigners, into the United States, its Territories, or the District of Columbia, under contract or agreement, parole or special, express or implied, made previous to the importation or migration of such alien or aliens, foreigner or foreigners, to perform labor or service of any kind in the United States, its Territories, or the District of Columbia.

SEC. 2. That all contracts or agreements, express or implied, parole or special, which may hereafter be made by and between any person, company, partnership, or corporation and any foreigner or foreigners, alien or aliens, to perform labor or service or having reference to the performance of labor or service by any person in the United States, its Territories, or the District of Columbia previous to the migration or importation of the person or persons whose labor or service is contracted for into the United States, shall be utterly void and of no effect.

SEC. 3. That for every violation of any of the provisions of section 1 of this act the person, partnership, company, or corporation violating the same by knowingly assisting, encouraging, or soliciting the migration or importation of any alien or aliens, foreigner or foreigners, into the United States, its Territories, or the District of Columbia to perform labor or service of any kind under contract or agreement, express or implied, parole or special, with such alien or aliens, foreigner or foreigners, previous to becoming residents or citizens of the United States, shall forfeit and pay for every such offense the sum of \$1,000, which may be sued for and recovered by the United States or by any person who shall first bring his action therefor, including any such alien or foreigner who may be a party to any such contract or agreement, as debts of like amount are now recovered in the circuit courts of the United States, the proceeds to be paid into the Treasury of the United States, and separate suits may be brought for each alien or foreigner being a party to such contract or agreement aforesaid; and it shall be the duty of the district attorney of the proper district to prosecute every such suit at the expense of the United States.

You will observe that Virginia, in the face of this Federal statute, maintains a law that a contract made in a foreign country with laborers who shall immigrate to that State shall be respected and enforced. While the statute does not provide that those who make contracts with foreigners in their own country for their labor shall pay the passage of those people to this country it does not prohibit it. Hence it is easy to conclude that it is done. The payment of transportation across the ocean from southeastern Europe to a man or woman who can not raise the money is a great temptation to migrate and accept very low wages under an iron-bound and hard contract. This law and the practice under it are bad in many respects. Too many, rather than too few, immigrants are flocking to our shores of their own volition and paying their way. The flood of immigration is becoming such a menace to this country, in the judgment of many people, that they are urgently demanding legislation which will check it to a very large extent. The importation of contract labor to Virginia reminds one of the time when Africans were imported to the Old Dominion, and it is offensive to the American notion of human freedom.

The following extracts are from the Code of Mississippi, 1906:

SEC. 1146. If any person shall willfully interfere with, entice away, knowingly employ, or induce a laborer or renter who has contracted with another person for a specified time to leave his employer or the leased premises before the expiration of his contract without the consent of the employer or landlord, he shall, upon conviction, be fined not less than \$25 nor more than \$100, and in addition shall be liable to the employer or landlord for all advances made by him to said renter or laborer by virtue of his contract with said renter or laborer, and for all damages which he may have sustained by reason thereof.

SEC. 1147. Any laborer, renter, or share cropper who has contracted with another person for a specified time in writing, not exceeding one year, who shall leave his employer or leased premises before the expiration of his contract, without the consent of the employer or landlord, and makes a second contract with a second party without giving notice of the first contract to the second party, shall be guilty of a misdemeanor, and on conviction shall be fined not exceeding \$50.

The following extract is from the Criminal Code of South Carolina:

SEC. 359. Any person who shall entice or persuade by any means whatsoever any tenant, servant, or laborer, under contract with another, duly entered into between the parties before one or more witnesses, whether such contract be verbal or in writing, to violate such contract, or shall employ any laborer knowing such laborer to be under contract with another, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five nor more than one hundred dollars, or be imprisoned in the county jail not less than 10 nor more than 20 days.

I further submit a condensed reference to labor laws in those 12 States as a comparison of them with those of other States.

Twenty-eight States of the Union provide by statute that children under the age of 14 shall not be employed in mills, fac-

tories, and so forth. Only one of those States is from the above group of 12, viz, Kentucky.

Alabama, Arkansas, Florida, North Carolina, and South Carolina fix the age limit at 12 years, while Georgia fixes it at 10, and Louisiana, Mississippi, Tennessee, Texas, and Virginia have no laws for the protection of children.

Thirty-two States and Territories have statutes which provide that eight hours shall constitute a day's work. They generally apply to public service. Of those 32 only 3 are from the above group of 12, viz, Arkansas, North Carolina, and Texas, which provide, in substance, that men engaged in operating railroad trains shall not work over eight hours a day. The railroads in those States are, generally speaking, owned by foreign capital, and it is an inexpensive matter to make a record in labor legislation for which foreign capital must pay.

These extracts from and references to the statutes of Southern States are placed in the RECORD to illustrate the political inconsistency of certain gentlemen who never miss an opportunity of speaking for labor in the Congress and never improve an opportunity to say a word for it in their home States.

Let us refer back to the anti-injunction bill which was passed through the House a few days ago, and analyze the personnel of the Committee on the Judiciary that reported it. The membership of that committee is as follows:

Democrats: HENRY D. CLAYTON, of Alabama; ROBERT L. HENRY, of Texas; EDWIN Y. WEBB, of North Carolina; CHARLES C. CARLIN, of Virginia; WILLIAM W. RUCKER, of Missouri; JOHN C. FLOYD, of Arkansas; R. Y. THOMAS, Jr., of Kentucky; JAMES M. GRAHAM, of Illinois; H. GARLAND DUPRE, of Louisiana; MARTIN W. LITTLETON, of New York; WALTER I. MCCOY, of New Jersey; JOHN W. DAVIS, of West Virginia; and DANIEL J. MCGILLICUDDY, of Maine.

Republicans: JOHN A. STERLING, of Illinois; REUBEN O. MOON, of Pennsylvania; EDWIN W. HIGGINS, of Connecticut; PAUL HOWLAND, of Ohio; FRANK M. NYE, of Minnesota; GEORGE W. NORRIS, of Nebraska; and FRANCIS H. DODDS, of Michigan.

That is a very powerful and important committee, for it passes on constitutional questions, and has jurisdiction of most of the legislation affecting employers and employees and many bills which are of interest to labor and labor organizations.

You will observe that 14 are Democrats and 7 are Republicans. You will further observe that of the 14 Democrats the first 7 and the ninth are from Southern States. Those 8 southern Democrats dominate the 6 Democrats from other parts of the country, and the 14 determine the action of the committee on party questions, because the caucus is king in the Democratic Party in this House.

The gentleman from Texas [Mr. HENRY], who is the second member on the Committee on the Judiciary, as well as chairman of the Committee on Rules, brought in a rule for the consideration of the anti-injunction bill which was adopted by the Democratic majority. That rule denied the right to offer amendments to the bill, and Members were required to vote either for it or against it exactly as it was reported. Let us here reproduce the last paragraph of that bill for the convenience of any who may care to compare its provisions with the foregoing statutes, and let me remark in passing that this was the paragraph about which was the greatest controversy and dispute between those who favored the bill and those who opposed it. It reads as follows:

And no such restraining order or injunction shall prohibit any person or persons from terminating any relation of employment, or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do; or from attending at or near a house or place where any person resides or works, or carries on business, or happens to be for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or to abstain from working; or from ceasing to patronize or to employ any party to such dispute; or from recommending, advising, or persuading others by peaceful means so to do; or from paying or giving to or withholding from any person engaged in such dispute any strike benefits or other moneys or things of value; or from peaceably assembling at any place in a lawful manner and for lawful purposes; or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto.

The first part of this paragraph provides that no person or persons shall be restrained from terminating the relation of employer and employee at any time, or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means to leave their employment.

I do not wish to be understood as criticizing this provision. The relation of employer and employee is one of contract in all enlightened countries and States, and either party who breaks it is, under the common law, liable in damages to the other. I doubt if there is a Member here from any State in the country, save a Southern State, who would think of making it a penal offense for an employee to leave the service of his employer, or that the man who persuades him to leave is

guilty of a crime. There are only 10 States in the Union which make it a crime to violate a contract of employment or to induce or persuade an employee to break such a contract and leave such employment, or to employ a person who has broken such a contract. Those States are Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

These are all Democratic and Southern States, and the distinguished chairman of the Committee on the Judiciary, who introduced the bill, drafted the report, and managed it through the House, is from the State of Alabama, which heads this list. Four other distinguished Democrats on this committee come from States which make it a criminal offense for a man to leave his employment and also a criminal offense to entice an employee from his work.

The second part of this paragraph in this anti-injunction bill justifies and legalizes picketing, and in such a way as to open the door for very dangerous and lawless consequences. However, I am not discussing the merits of this bill here, but comparing the records of the Members who reported, advocated, and rushed it through the House, in Congress, and in their home States. There are two States, so far as my examination has gone, which by statutes make picketing a criminal offense, and those are Alabama and Colorado, both Democratic.

The last part of this anti-injunction bill expressly recognizes the boycott and provides for its protection and success. There are only five States which by statutes make a boycott a criminal offense. Those are Alabama, Texas, Indiana, Colorado, and Illinois. Four of these five are Democratic, and again Alabama heads the list, and appears in the three lists.

Alabama is the only State in the Union which by solemn statutory enactment condemns as criminal and penalizes as such the three successive acts which go to make a successful strike, viz, abandoning employment and inducing or persuading others to do so, the picket, and boycott.

Mr. Samuel Gompers and several other officers of the American Federation of Labor sat in the gallery all the while the anti-injunction bill was under consideration in the House. They were manifestly interested in its passage, because it legalizes those acts which the Alabama statutes penalize and would the more easily make labor strikes successful. Mr. Gompers is consistent. He knows what he wants and knows how to go after it. But what about Mr. CLAYTON, the chairman of this great committee? He was born and reared and has always lived in Alabama. Men are usually influenced by their home associations and environment, and if a thing is really good they like to have it for themselves and their home people. Is he consistent, and is he sincere?

Another gentleman was born, reared, educated, and has always lived in Alabama, Mr. HEFLIN, of the fifth district, who is one of the most vociferous advocates in the House of the plain people, and whose fervid declamation in behalf of the downtrodden workman, during the debate on the naval appropriation bill, prompted me to make these remarks and place before the House and the country some of the labor laws of his own State.

There are several other able and influential Members of this body from the State of Alabama, among them a prominent candidate for the Democratic presidential nomination. Let them return to their own States and repeal those outrageous statutes which are relics of industrial slavery and peonage. Let them get in step with the march of progress in other parts of the country. Let them, by their acts, give evidence of their good faith and sincerity as friends of the plain people and of labor, and they will be listened to on that subject with attention and respect.

The 10 States above mentioned whose statutes make it a criminal offense, punishable as such, for a servant to leave his master, or for a man to entice a servant away from his master, or for a man to harbor an employee who has left his employer, have 83 Members in this House, 79 of whom are Democrats and 4 Republicans. This statement tells its own story on the question of labor legislation.

Texas has 16 Representatives—all Democrats. Virginia has 10 Representatives—9 Democrats and 1 Republican. Those 12 States, some of whose statutory laws are herein cited, are represented on this floor by 111 Members—106 Democrats and 5 Republicans. The representation from those States was in several previous Congresses the same in number and practically the same as to party affiliation. Those 12 States compose what is known as the "solid South," and no matter what political storms may have swept over other parts of the country they have remained true to the Democratic Party. From the Fifty-fourth to the Sixty-first Congress, inclusive, those Democratic Representatives constituted the bulk of their party in the House.

Throughout other parts of the country Democrats, and Republicans too, are swept in and out according as the political gales are favorable or otherwise. Not so in those 12 States, for they have practically only one party. Their Representatives have been solidly Democratic, and by reason of their long and continuous service, their large experience, ability, and ranking positions on most all the great committees they organized the Democratic majority in the present Congress and completely dominate it. They are the men who formulate and report bills on industrial questions. They are the men who talk buncombe in the House on labor matters, and neglect the working people in their own States. They are the men who advocate laws for the Nation which they do not expect to pass, and if they should pass they know such laws will not affect their home conditions to any appreciable extent. Therefore when they talk loudly and eloquently for labor I question their consistency, and in some cases I question their sincerity.

Mr. CANNON rose.

The CHAIRMAN. The Chair will recognize the gentleman from Illinois. The Chair understands that the gentleman from New York [Mr. MICHAEL E. DRISCOLL] was speaking out of the time of the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Oh, no; I think not. I think I had unanimous consent granted that I might proceed for 10 minutes. I ask unanimous consent to proceed for 10 minutes to close the debate.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. CANNON. Mr. Chairman, I ask to have again reported the amendment offered by my colleague [Mr. FOSTER] as an amendment to the substitute that I offered.

Mr. FOSTER. It is not a substitute.

Mr. CANNON. It is an amendment to the substitute that I offered.

Mr. FOSTER. Yes; and I want to state this: That inadvertently I inserted the word "not" in the amendment I offered, whereas it should not be there, and I will ask that the Clerk report it correctly.

The CHAIRMAN. Without objection, the Clerk will again report the amendment to the substitute.

There was no objection, and the Clerk read as follows:

Add at the end of the substitute the following: "And that does pay the union scale of wages."

Mr. CANNON. Mr. Chairman, the gentleman from Illinois [Mr. BUCHANAN] repudiated the amendment offered to the substitute by my colleague, Dr. FOSTER, saying that he was in favor of it in principle and believed in it, but that he believed it was not constitutional, and therefore he was not in favor of it. He went further and said that organized labor never had demanded such a provision. I think the gentleman is correct. For many years I have kept general run of the action of organized labor in its platforms. My friend from Illinois, Dr. FOSTER, however, favors class legislation, because he wants to regulate the labor which produces coal that the Government buys by providing that it shall be paid at union scale. That is class legislation. If you can say that it shall be paid at the union scale, you can say that it shall be produced by the union man. Did my good friend think that, ostrich like, he could hide his head in the sand and thereby conceal his body?

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Certainly.

Mr. ALEXANDER. If it be true that it would be unconstitutional to provide that coal should be mined by union labor, is it not equally unconstitutional to say that the mine owner shall pay the union wages?

Mr. CANNON. Precisely. That is my point. One is unconstitutional as the other, and I believe that neither side of this House will write that legislation upon the statute books. Now, I am 76 years old, Mr. Chairman. I have been almost 38 years a Member of this House. I came into Congress on the 4th of March, 1873. How marvelously this country has grown. I came from a then purely agricultural district, a young man, a rough ashler and possibly a rough ashler yet, and without the privilege of having even a good common school training. I had lots of things to learn; but, thank God, I did know touching the constitutional privileges of every citizen of the great Republic. I could wrestle very vigorously on a country circuit on questions of fact, although I did not know much law, and I guess I have not improved greatly in that respect. [Applause.]

But I know that all law in a civilized nation that does not, like the grace of God, cover every individual, without fear, favor, affection, or discrimination, is no law under the Constitution. Now, some gentleman was kind enough to say, my honored colleague, I believe—no; the gentleman from Alabama

[Mr. HEFLIN], with burly-headed statesmanship and patriotism, with lungs like a bellows and a voice like the bull of Bashan, from time to time throws all questions into the tariff and then jumps on the tariff when he is pressed. [Laughter and applause.]

Mr. HEFLIN. Will the gentleman yield for a question?

Mr. CANNON. I have not much time, but I will yield just for a question.

Mr. HEFLIN. The gentleman says I jump on the tariff. The difference between the gentleman and myself is that he never jumps on the tariff.

Mr. CANNON. I only yielded for a question, as I only have a few moments. The gentleman says I have not been converted, and that therefore I am an enemy of organized labor; that for eight years, while I was Speaker, labor went hungry in its demand and its recognition in a Republican Congress. Thank God, I am like the old woman, when somebody said that there were infants in hell not a span long; she did not argue it; she said, "Thank God, that is a lie." [Laughter and applause.]

Take the record that was made in the eight years I was Speaker, with Theodore Roosevelt as President for six and President Taft for two years. There was more good legislation enacted by Republican Congresses in that period touching labor conditions than was enacted in all the years before or since the organization of the Government. [Applause.] There were demands made to which I did not subscribe as Speaker, and as a Member I do not now. One of them, and perhaps the principal one, demanded by Samuel Gompers and some of the other leaders, was that there should be legislation enacted providing that the right to do business at a particular place or any place is not a property right.

I said and the law says it is a property right, and I did not respond to the demand. That was the principal cause, in my judgment, that made Mr. Gompers come to my district and enter upon a campaign for my defeat. He had a right to come, and I am not abusing him. Oh, I never yet have seen the time when any American citizen is charged with the commission of a crime, as principal or accessory, that I have hotfootedly jumped on and denounced him. An American citizen, whether he be McNamara or any other labor leader or any man who is not a labor leader, whatever the crime may be that he may be charged with, is entitled to his day in court and a trial by a jury, and no man has heard me, when the denunciations came against Mr. Gompers after he had pronounced—before the case was tried—for the innocence of the McNamaras, no one has ever heard me say he is an old fraud and responsible for the crimes committed by the McNamaras on their own confession. Nay, nay. The presumption of innocence runs to him, and that innocence has to be removed beyond all reasonable doubt under the law before I will denounce him on that account. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Mr. Chairman, I thank the committee for the courtesy of allowing me 10 minutes. The Chair did not count the time of the gentleman from New York in the time I have had?

The CHAIRMAN. The Chair did not. All time has expired—

Mr. FOSTER. Mr. Chairman, I will say that the gentleman from Tennessee [Mr. PADGETT], chairman of the committee, in asking unanimous consent to close debate in 15 minutes, provided that my colleague Mr. CANNON should have 10 minutes of that time, and that I should have 5 minutes to close the debate.

Mr. CANNON. Let that be as it may, I did not so understand it, but I ask unanimous consent that my colleague may have five minutes to close debate. [Applause.]

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that his colleague Mr. FOSTER have five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSTER. Mr. Chairman, my colleague from Illinois [Mr. CANNON], the distinguished ex-Speaker of this House, placed a proviso upon an amendment offered a little while ago that no coal should be bought by the Government from any operator, mine owner, or company—

Mr. CANNON. Unless produced by 8-hour labor. That applied to Australia, British Columbia, and the United States, and—

Mr. FOSTER. I am certain it applies to Australia and all the world, and I am glad it does. I want to compliment the gentleman from Illinois not only for indorsing the 8-hour bill in the United States, but indorsing the 8-hour bill for the world.

Now, Mr. Chairman, I am not a constitutional lawyer, but it occurs to me that if we have the right to limit the purchase of coal from mines that must install the 8-hour day, we must say

to those mine owners, "You must maintain a union scale of wages." And I for one am ready now to go on record for an honest wage for an honest American workman. I was in this House while the former Speaker [Mr. CANNON] occupied the chair.

But for a long time there was a demand for an eight-hour bill to be passed by Congress; there was a demand by the labor interests of this country that there should be an anti-injunction bill; there was a demand that there should be passed through this Congress the right of trial by jury in cases of contempt. So we say to-day that we are going to fulfill the pledges of the Democratic Party and stand for the rights of labor in this country, that have so long been neglected in these respects.

I believe that every Member of this House ought to vote for a provision which proposes to pay decent wages to the American workmen. We have heard for years that we must levy a high protective tariff and that the laboring man must get a part of that protection. Now, when you have an opportunity to say that this money that we appropriate for the buying of coal shall not be paid to mine owners unless they do pay their men a decent wage, are you going to vote against it? I do not believe that the membership upon that side of the House or the membership upon this side of the House will vote against an amendment of this kind, because we stand for fair wages for American workmen. [Applause.]

Mr. PADGETT. Mr. Chairman, I ask unanimous consent for just one minute.

The CHAIRMAN. The gentleman from Tennessee [Mr. PADGETT] asks unanimous consent to proceed for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. PADGETT. I just simply want to call attention to the fact that, as I said in the beginning, this whole amendment is wrong in its purpose. While there is no justification for the amendment at all, we have had a long debate, and we have had various amendments to the amendment, and it comes now to the amendment as originally offered, and it should be voted down as a whole in the interests of the Government.

Mr. WILSON of Pennsylvania. Mr. Chairman, I ask unanimous consent that I may proceed for three minutes.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WILSON] asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. WILSON of Pennsylvania. Mr. Chairman, I am entirely in accord with the purpose of the gentleman from Illinois in his amendment. I know his desire to promote the interests of the men who work in the mines and that he would like to see union wages paid in all coal fields as they are in the State of Illinois; but, in my judgment, this amendment will not accomplish the purpose he has in mind. He proposes that none of this money shall be expended for the purchase of coal, except where union wages are paid. When the gentleman speaks of union wages, what union has he reference to? Is it a bona fide union, like the United Mine Workers, or some pseudounion which any coal operator may organize to suit his own purpose of establishing a union scale of wages far lower than the real union scale? There are many coal fields in the United States where there is no union and where no union wages have been established; and there, on various occasions, unions have been organized that were not bona fide unions, but organized for the specific purpose of preventing a real union of workmen from getting a foothold, and there would be nothing to prevent any employer of labor in any coal field that is nonunion from organizing a union of workmen for the purpose of establishing a false union wage far lower than the real union wage and thereby bringing into existence a dual labor organization that would be injurious to the workmen in the long run by creating and using a union controlled by the coal operators to keep out a union controlled by the workmen themselves.

Mr. GARNER. Will the gentleman yield? I know the gentleman's interest in union labor, and I would like to ask him if he would have this Government recognize any union officially?

Mr. WILSON of Pennsylvania. I do not believe that it would be good policy, although I do not believe it is unconstitutional to do so. But when you make the statement that they are to pay union wages, you do not specify what those wages are; you do not specify what union is to make those wages, and not specifying the union, the employers can organize a union themselves and contract with the union they have created, and when they contract with it the wages become union wages, no matter what they are or how far below the standard of the bona fide union those wages may be. It would place the miners in a position where they would have a dual organization that would hardly fail to come into conflict with the regular organization, and the coal operators would not hesitate to take advantage of the

animosities thus created to force reductions of wages upon their workmen. The amendment offered by the gentleman from Illinois [Mr. FOSTER] presents in a new form the idea of a minimum wage scale for all persons employed in the production of material for the use of the Government. It has been prepared and presented in the heat of debate and consequently does not reach the end sought to be attained, but sooner or later the idea will be perfected and enacted into law. In its present form I shall oppose it because I am sure it will not accomplish the purpose my friend from Illinois [Mr. FOSTER] had in mind when he presented the amendment to the House.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. CANNON] to the substitute offered by the gentleman from Iowa [Mr. PROUTY].

Mr. CANNON. No; my substitute was an amendment.

The CHAIRMAN. The Chair will state that the amendment offered by the gentleman from Illinois [Mr. CANNON] was adopted, and at that time the gentleman from Illinois [Mr. FOSTER] offered a further amendment.

Mr. CANNON. Then the vote is on the amendment offered by my colleague, Dr. FOSTER?

The CHAIRMAN. Yes.

Mr. BARTLETT. Mr. Chairman, may I ask to have the amendment offered by the gentleman from Illinois [Mr. FOSTER] read?

The CHAIRMAN. Without objection, the Clerk will again report the amendment offered by the gentleman from Illinois [Mr. FOSTER].

The Clerk read as follows:

Add at the end of the substitute the following words: "And that does pay the union scale of wages."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. FOSTER].

Mr. BUCHANAN rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. BUCHANAN. Mr. Chairman, I understood that my colleague from Illinois [Mr. FOSTER] withdrew that amendment.

Mr. RAKER. No.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. FOSTER].

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. FOSTER. A division, Mr. Chairman.

The committee divided; and there were—ayes 14, noes 58.

So the amendment was rejected.

Mr. FOWLER. Mr. Chairman, I offer the following amendment as a substitute. That follows the amendment that was offered by my colleague, ex-Speaker CANNON.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. FOWLER].

The Clerk read as follows:

Add, at the end of the amendment, the following words: "who are not paid less than the union scale of wages."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. FOWLER].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now recurs on the substitute offered by the gentleman from Iowa [Mr. PROUTY].

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. PROUTY. A division, Mr. Chairman.

The committee divided; and there were—ayes 33, noes 18.

So the amendment was agreed to.

The CHAIRMAN. The question now is on agreeing to the substitute as amended.

Mr. RAKER. Mr. Chairman, I ask unanimous consent—

Mr. SABATH. Will the Chair please have the substitute reported again? The Members do not know what it is.

The CHAIRMAN. The Clerk will again report the amendment offered by the gentleman from Washington [Mr. HUMPHREY], as amended.

The Clerk read as follows:

But in purchasing such articles the preference shall be given to those produced in the United States which can be procured at the same price and quality: *Provided*, That the coal shall be mined by labor that is employed at not exceeding eight hours per day.

The CHAIRMAN. The question is on agreeing to the substitute as amended.

The question was taken, and the substitute as amended was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Military stores, Marine Corps: Pay of chief armorer, at \$4 per diem; 1 mechanic, at \$3 per diem; 2 mechanics, at \$2.50 each per diem; 1 chief electrician, at \$4 per diem, and 1 assistant electrician,

at \$3.50 per diem; per diem of enlisted men employed on constant labor for periods of not less than 10 days; purchase of military equipments, such as rifles, revolvers, cartridge boxes, bayonet scabbards, haversacks, blanket bags, canteens, rifle slings, swords, drums, trumpets, flags, waist belts, waist plates, cartridge belts, spare parts for repairing rifles, machetes, purchase and repair of tents, field cots, field ovens, and stoves for tents; purchase and repair of instruments for bands, purchase of music and musical accessories; purchase and marking of prizes for excellence in gunnery and rifle practice; good-conduct badges; medals awarded to officers and enlisted men by the Government for conspicuous, gallant, and special service; incidental expenses of schools of application; construction, equipment, and maintenance of school, library, and amusement rooms and gymnasiums for enlisted men, and the purchase and repair of all articles of field sports for enlisted men; purchase and repair of signal equipment and stores; establishment and maintenance of targets and ranges, and renting ranges, and entrance fees in competitions; procuring, preserving, and handling ammunition and other necessary military supplies; in all, \$307,737.

Mr. FOCHT. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. FOCHT] is recognized.

Mr. GREGG of Texas. Mr. Chairman, I want to offer an amendment.

The CHAIRMAN. The Chair has recognized the gentleman from Pennsylvania.

Mr. FOCHT. Mr. Chairman, I have been listening daily, sometimes once and sometimes twice and as often as three times daily, to the effusions of my friend from Alabama [Mr. HEFLIN]. Sometimes they were poetic; never prosy.

He comes from the ambitious State of Alabama, where they aspire to the Presidency. [Applause on the Democratic side.] But I am afraid that the only shining light reflected from that State at the moment is Mr. UNDERWOOD's personality, but if we get nothing more than we just received from the gentleman from Alabama, notwithstanding the courage and ability and popularity of the Democratic leader, Mr. UNDERWOOD, his case is a hopeless one.

Now, my friend from Alabama, Mr. HEFLIN, has undertaken, I think, to do something that does not become him, and in view of the record of his own State is indefensible. I want, Mr. Chairman, to read a few lines from a letter written by a friend of mine who resides near his home, and I think possibly in his district. He has something to say about labor conditions there.

This is what he says:

Shortly after I arrived at this camp—

One of these convict camps of Alabama—

the convict warden came up to me one day and said that if I wished he would show me something, as he termed it, "You damn Yankees are not used to seeing." I followed him to the stockade, where he ordered four trustees to bring out a colored convict who had committed a trivial offense. He then ordered this man to take off all his clothes (he was as fine a specimen of muscle and strength as I have ever seen), then told him to lie on the ground flat on his stomach, and placed the four trustees, one on each arm and leg in order that the man could not turn over. The warden then produced a strap about 4 feet long, one-half inch thick, and about 2 inches wide; this was on a round wooden handle; he then started to punish this man by giving him 25 lashes. When he had finished the man was bleeding from a dozen or more places on his back. He could hardly stand. Later on I saw this same warden start to lash a white convict who was so sick and weak that he looked more like a corpse than anything else. That was too much for me. I left, but later heard that this victim had fainted and they had to carry him to his pen. These were common occurrences at that time in Georgia and Alabama.

I was asked on several occasions while in those sections to help support and join the Society for the Prevention of Cruelty to Animals. I offended quite a few persons by making fun of their society and referring to the manner in which they treated convicts.

I have particularly noticed that the wardens and convict guards of Georgia and Alabama are looked upon as being lower than the convicts themselves by the better class of people, and are sprung from what the southerner calls "poor white trash and sagers." I consider that these men, if you wish to call them that, are the lowest type of manhood in the white race.

While I was in the two States mentioned, from 1905 to 1909, the following companies were working convict labor to my knowledge. The ones I mention I happen to know on account of being in the vicinity where they were worked:

Durham Coal & Coke Co., Chattanooga, Tenn.; convict camp, Durham Mines, Pittsburg, Ga. Tennessee Coal, Iron & Railway Co., Birmingham, Ala.; convict camp, Flat Top Mines, Ensley, Pratt City, and other mines in Alabama. Pratt Consolidated Coal Co., Birmingham, Ala.; Banner Mines, convict camp, Littleton, Ala. Sloss-Sheffield Steel & Iron Co., Birmingham, Ala.; convict camp, Flat Top Mines and others. Republic Iron & Steel Co., Birmingham, Ala. Dimmick Pipe Works, Birmingham, Ala.

All the above camps in Alabama are within a radius of 30 miles of Birmingham.

If you wish to investigate you will find that most of these companies prefer to work convict labor. If they can not get it they have men out all over the country looking for any kind of foreign labor. They will give anyone work in preference to Americans, and the Americans they do work they hold to the lowest possible wages, and will keep other companies from giving them better positions and higher wages, as the inclosed letters from the Tennessee Coal, Iron & Railway Co. will prove.

If what I have written you is not what you want, kindly let me know just what you want, and I can give you more details.

Yours, very truly,

BEN T. PHILLIPS.

Mr. BARTLETT. May I ask the gentleman a question?

Mr. FOCHE. Mr. Chairman, in substantiation of what I have read, in response to what the gentleman from Alabama [Mr. HEFLIN] has said in his assaults on the North, and labor conditions there, and to the shame of the State of Alabama, I want to show you the evidence of the inhumanity, brutality, and cruelty of his State, greater than that of the camps of Siberia and Russia. I hold in my hand a photograph of a convict camp in Alabama, which any gentleman can see. [Applause.]

Mr. GREGG of Texas. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

Mr. HEFLIN. I ask the gentleman to withdraw his amendment until I can address the House for five minutes.

Mr. GREGG of Texas. It is one of a series of amendments which have been offered to all these propositions, and I want to offer it now, so that it may be pending; and I will ask unanimous consent that it be passed over under the agreement made with the gentleman from Tennessee and the gentleman from Illinois on Saturday.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

After the word "dollars," in line 6, page 59, insert the following: "Provided, That no part of this appropriation shall be expended for the purchase or manufacture of such rifles, revolvers, cartridge boxes, bayonets, scabbards, and haversacks as have been or are being manufactured in a Government establishment from or by any person, firm, or corporation which has not at the time of commencement and during the prosecution of the work on the articles named herein established an eight-hour workday for all employees, laborers, and mechanics engaged or to be engaged in the work on the articles named herein."

Mr. GREGG of Texas. Mr. Chairman, I understand that the gentleman from Tennessee, the chairman of the committee, is going to introduce an amendment to the 8-hour bill passed by the House, and until that is disposed of I ask to have this amendment passed and be considered as pending.

Mr. CANNON. One moment, Mr. Chairman. When the amendment is offered, then I will give my consent or make my objection.

Mr. PADGETT. The amendment is offered now.

Mr. GREGG of Texas. It is offered now, and I ask that it be passed, as have the other amendments, and be considered as pending.

Mr. CANNON. Well, Mr. Chairman, one swallow does not make a summer. Where does the gentleman's amendment come in?

Mr. PADGETT. At the end of line 6, page 59. There are two other similar amendments identical in language that have been passed.

Mr. CANNON. I have no objection, Mr. Chairman; I thought it was to the paragraph to which the gentleman from Iowa offered the amendment a short time ago and which was agreed on.

The CHAIRMAN. It is to a different paragraph.

Mr. CANNON. I shall not interpose any objection.

The CHAIRMAN. Without objection, the amendment will be passed and be considered as pending.

Mr. HEFLIN and Mr. BARTLETT rose.

The CHAIRMAN. The gentleman from Georgia is recognized.

Mr. HEFLIN. Mr. Chairman, I understood that I was to be recognized.

The CHAIRMAN. The Chair was not aware that the gentleman from Alabama was seeking the floor. He was aware that he was seeking time on this side. The Chair has recognized the gentleman from Georgia.

Mr. BARTLETT. Mr. Chairman, I have no duty to perform in making a reply to the gentleman from Pennsylvania [Mr. FOCHE] for anything he has said in reference to Alabama. I have no knowledge on the subject of the conditions in Alabama; nor does it devolve upon me to make any defense for her or to reply to what has been said by him with reference to that State. Alabama can take care of herself ably and well; but I want to say, with reference to the statement in the letter which the gentleman has read as to conditions in the State of Georgia, that if the man who wrote that letter referred to any conditions in Georgia as now existing or claims that they have existed since 1907, he has written what is not true.

Mr. Chairman, we did suffer in Georgia for years with an infamous convict system, under which convicts were hired out to private parties, but it was first fastened upon us by a Republican governor and a Republican legislature in 1870. [Applause on the Democratic side.] As a member of the Georgia Legislature in 1882 and 1884 I endeavored to correct it and cast my influence and my vote in favor of abolishing the system and endeavored to have the system abolished. Finally, when the contracts that had been made for 20 years under a Repub-

lican governor had expired, when Georgia was able to get control of her own affairs by the aid and influence of her Democratic governor, who insisted that the system of hiring out the convicts be abolished, thank God we did abolish it, and hiring out convicts in Georgia has ceased and never will again be permitted. [Applause.]

We have at present as humane a system as any State in this Union. We tax our people burdensomely in order to provide for a humane and proper system, and there is no convict camp in Georgia to-day controlled by private parties; nor are the convicts worked in competition with free labor as was once the case. I merely rose to say that the statement in the letter read by the gentleman from Pennsylvania, in so far as it refers to the State which I have the honor to represent, in my opinion, is a falsehood and a slander. [Applause.]

Mr. HEFLIN. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

Mr. LITTLEPAGE. Mr. Chairman, I ask unanimous consent that the gentleman be allowed to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed for 10 minutes.

Mr. GOOD. Mr. Chairman, reserving the right to object, I want to ask the chairman of the committee how long we are going to continue this evening, and how long we are going to continue this kind of politics?

Mr. PADGETT. I want to expedite the consideration of the bill and reach at least the increase of the Navy to-night. We ought to reach it by 6 o'clock.

Mr. GOOD. I think we ought to cease this kind of debate.

Mr. PADGETT. Mr. Chairman, I ask that general debate on this paragraph and amendments thereto close at the end of 10 minutes.

Mr. HOWARD. I wish the gentleman would make it 15 minutes.

Mr. PADGETT. I will make it 15 minutes.

Mr. GOOD. Mr. Chairman, I move as an amendment that all debate be limited to the items in the bill.

Mr. PADGETT. That is the rule anyway, if a Member insists on it.

Mr. HEFLIN. Mr. Chairman, I trust that the gentleman from Tennessee will not make any such motion as that.

Mr. GOOD. I shall object to any remarks not confined to the item now under discussion.

Mr. HEFLIN. Does the gentleman from Iowa wish to deny me the opportunity to reply to the assault made upon my State by the gentleman from Pennsylvania?

Mr. GOOD. The gentleman from Alabama has already invited all the attacks that he has received.

The CHAIRMAN. The gentleman from Tennessee moves that all debate on the pending paragraph and amendments thereto be closed in 15 minutes.

The motion was agreed to.

Mr. HEFLIN. Mr. Chairman, the gentleman from Pennsylvania [Mr. FOCHE] has read what appears up to this time to be an anonymous letter which reflects upon the State that I have the honor in part to represent. The name of the gentleman who wrote that letter has not been given to this House.

Mr. GOOD. Mr. Chairman, I make the point of order that the gentleman is not in order. He is not speaking to the paragraph under consideration.

Mr. LITTLEPAGE. But he got unanimous consent to proceed.

Mr. HEFLIN. Mr. Chairman, I obtained unanimous consent to proceed for 10 minutes. I requested unanimous consent—

The CHAIRMAN. The Chair would state that under the five-minute rule if the point of order be insisted upon the speaker is obliged to confine himself to the subject matter of the paragraph.

Mr. HEFLIN. But I had 10 minutes. The gentleman from West Virginia [Mr. LITTLEPAGE] did ask unanimous consent that I might proceed for 10 minutes in reply to the gentleman from Pennsylvania, and there was no objection, as I understood it.

The CHAIRMAN. The gentleman from Tennessee intervened with a motion to limit debate. The Chair did not submit the request of the gentleman from West Virginia, but will do so now.

Mr. LITTLEPAGE. Mr. Chairman, I ask unanimous consent that the gentleman from Alabama be permitted to proceed for 10 minutes in reply to the attack made on his State by the gentleman from Pennsylvania [Mr. FOCHE].

The CHAIRMAN. The gentleman from West Virginia asks unanimous consent that the gentleman from Alabama be allowed to proceed for 10 minutes. Is there objection?

Mr. GOOD. Mr. Chairman, I object.

Mr. HOWARD. Then, Mr. Chairman, I move that the gentleman from Alabama have 10 minutes.

The CHAIRMAN. The motion is not in order at this time. The gentleman from Alabama has the floor.

Mr. AUSTIN. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from Tennessee rise?

Mr. AUSTIN. Mr. Chairman, I rise for the purpose of appealing to my colleague from Iowa to withdraw his objection. This attack upon the State of Alabama came from the Republican side, and I ask in all justice and fair play as a Republican that the gentleman from Alabama have the opportunity to be heard in answer. [Applause on the Democratic side.]

The CHAIRMAN. The gentleman from Alabama has the floor.

Mr. AUSTIN. Mr. Chairman, the point was not made against the gentleman from Pennsylvania, when he read his letter, from this side, and it is unfair for this side to object to the gentleman from Alabama having an opportunity to reply to it.

Mr. HEFLIN. Mr. Chairman, in order that I may put this matter properly before the country and in the Record, I ask unanimous consent, in view of the attack that has been made upon my State by the reading of the letter which purports to be from somebody—

Mr. GOOD. Mr. Chairman, I make the point of order that the gentleman is out of order.

Mr. HEFLIN. Mr. Chairman, the letter does not speak the truth [applause], and I ask unanimous consent that I may have 10 minutes in which to reply.

The CHAIRMAN. The gentleman from Alabama submits a request for unanimous consent that he be permitted, out of order, to address the committee for 10 minutes. Is there objection?

Mr. GOOD. Mr. Chairman, reserving the right to object, I want to say to the gentleman that I have no objection to his making any explanation that he desires to make; but he knows, and every Member of this House knows, that this is no place for this kind of discussion, and therefore, Mr. Chairman, I object.

Mr. HEFLIN. Mr. Chairman, before the gentleman does that, I will ask him why he did not make an objection when my State was slandered by a gentleman from his side. Why did he not make that objection then, when a Member on the Republican side was knowingly and intentionally slandering Alabama? Do you want to be unfair; do you want to slander a sovereign State in this fashion; do you want to speak a deliberate falsehood through a Member of that side and then deny me under the rules a chance to reply? [Applause.]

Mr. KOPP. Mr. Chairman, I demand the regular order.

Mr. HEFLIN. Mr. Chairman, was there an objection to my request?

The CHAIRMAN. The request was objected to, and the time of the gentleman from Alabama has now expired.

Mr. HEFLIN. Mr. Chairman, is it permissible to raise a question of personal privilege in the Committee of the Whole?

Mr. FOCHT. Mr. Chairman, I want to say that, notwithstanding the gentleman has already made one speech upon the subject, to which I replied, I hope the House will permit him to go ahead and say what he has to say. I may ask the House later to permit me to reply.

Mr. GOOD. Mr. Chairman, I demand the regular order.

Mr. HEFLIN. Mr. Chairman, I desire to ask this question for information. Is it permissible in the Committee of the Whole to raise the question of personal privilege?

The CHAIRMAN. The Chair is under the impression that where a question of personal privilege properly rises under the proceedings, it may be brought to the attention of the committee.

Mr. HEFLIN. Then, Mr. Chairman, I rise to a question of personal privilege.

The CHAIRMAN. The gentleman will state it.

Mr. HEFLIN. The attack made by the gentleman from Pennsylvania [Mr. FOCHT] upon the district and upon the State that I have the honor to represent referred to me personally and constitutes a reflection upon the people that I represent, and I desire to state my question of personal privilege and to reply to that unwarranted attack and slander.

Mr. PAYNE. Mr. Chairman, what is it the gentleman from Alabama is making a speech about? I want to know what the regular order is.

The CHAIRMAN. The Chair did not hear the gentleman from New York.

Mr. PAYNE. I am trying to find out what the regular order is, and I find the gentleman from Alabama is making a speech. I can not hear what—

The CHAIRMAN. The gentleman from Alabama arose to a question of personal privilege and is now stating it.

Mr. PAYNE. Mr. Chairman, I do not understand the gentleman can do that in the Committee of the Whole House on the state of the Union, and I make a point of order against it.

Mr. GOOD. Mr. Chairman, I make the further point of order that the grounds stated by the gentleman do not present a question of personal privilege.

The CHAIRMAN. The rule in regard to questions of privilege is:

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, reputation, and conduct of Members, individually, in their representative capacity only.

If it does not affect a Member in his representative capacity, the question of privilege would not arise.

Mr. HEFLIN. The gentleman from Pennsylvania has reflected upon my people and has referred to me or to my district in connection with the convict system in the State, and in order that the truth may now go in the Record, I desire to reply now.

The CHAIRMAN. The Chair, ruling on the point of order, would say the Chair does not think the gentleman makes out a case of personal privilege under the state of affairs so far.

Mr. LLOYD. Mr. Chairman, I ask unanimous consent, in order that this matter may be adjusted now, that the gentleman from Alabama may have 10 minutes to address the committee, and that the gentleman from Pennsylvania [Mr. FOCHT] may have 5 minutes to follow him.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the gentleman from Alabama may have 10 minutes in which to address the committee and the gentleman from Pennsylvania [Mr. FOCHT] may have 5 minutes. Is there objection?

Mr. GOOD. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard, and the Clerk will read.

The Clerk read as follows:

Total Marine Corps, exclusive of public works, \$7,425,578.78.

Mr. PADGETT. Mr. Chairman, we have now reached the increase of the Navy, I think.

Mr. CHAIRMAN. We have.

Mr. PADGETT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the Chair, Mr. HULL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 24565, the naval appropriation bill, and had directed him to report that it had come to no resolution thereon.

PORTO RICO (S. DOC. NO. 720).

The SPEAKER. The Chair lays before the House the following message from the President of the United States.

The Clerk read as follows:

To the Senate and House of Representatives:

As required by section 19 of the act of Congress, approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith a copy of the Journal of the Executive Council of Porto Rico for the second session and the extraordinary session of the Sixth Legislative Assembly, 1912.

WM. H. TAFT.

THE WHITE HOUSE, May 27, 1912.

The SPEAKER. Ordered to be printed and referred to the Committee on Insular Affairs.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. J. M. C. SMITH, for one week, on account of important business.

To Mr. HELM, for 30 days, on account of important business.

To Mr. GREGG of Pennsylvania, for five days, on account of important business.

To Mr. BOEHNE, for three days, on account of important business.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

H. R. 14083. An act to create a new division of the southern judicial district of Texas, and to provide for terms of court at

Corpus Christi, Tex., and for a clerk for said court, and for other purposes;

H. R. 17029. An act authorizing the Secretary of War to convert the regimental Army post at Fort Oglethorpe into a brigade post; and

H. J. Res. 142. Joint resolution to authorize and direct the Great Northern Railway Co. and the Spokane & British Columbia Railway Co., in the matter of their conflicting claims or rights of way across the Colville Indian Reservation, in the State of Washington, in the San Poil River Valley, to readjust their respective locations of rights of way at points of conflict in such manner as to allow each company an equal right of way through said valley, and in case of their failure so to do to authorize and direct the Secretary of the Interior to readjust said rights of way.

ADJOURNMENT.

Mr. PADGETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 44 minutes p. m.) the House adjourned to meet to-morrow, Tuesday, May 28, 1912, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII.

Mr. ROBINSON, from the Committee on the Public Lands, to which was referred the bill (H. R. 24609) authorizing the Secretary of the Interior to make a survey and estimate of the cost of increasing the storm-drainage system, as well as the sanitary-sewer system, of the city of Hot Springs, abutting the Hot Springs Reservation, Ark., reported the same without amendment, accompanied by a report (No. 763), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ROBINSON: A bill (H. R. 24883) to amend an act entitled "An act conferring jurisdiction upon United States commissioners over offenses committed on a portion of the permanent Hot Springs Mountain Reservation, Ark.," approved April 20, 1904; to the Committee on the Public Lands.

By Mr. RAKER: A bill (H. R. 24884) to purchase and provide grounds, erect buildings, and furnish the same for the Greenville Indian School, at Greenville, Cal., and for other purposes; to the Committee on Indian Affairs.

Also, a bill (H. R. 24885) to equip, build, complete, and furnish water, electric light, and sewerage systems for the Fort Bidwell Indian School, on the Government reservation at Fort Bidwell, Cal., and for other purposes; to the Committee on Indian Affairs.

Also, a bill (H. R. 24886) providing for second homestead and desert-land entries, and for other purposes; to the Committee on the Public Lands.

By Mr. LAMB: A bill (H. R. 24887) authorizing and directing the Secretary of War to make certain provisions for the care of the participants in the celebration of the fiftieth anniversary of the Battle of Gettysburg, Pa., on the 1st, 2d, 3d, and 4th days of July, 1913, and making appropriation of a sum sufficient to carry out the provisions of this bill; to the Committee on Appropriations.

By Mr. KAHN: A bill (H. R. 24888) for the protection of certain societies, fraternal orders, or associations in the use of the mails; to the Committee on the Judiciary.

By Mr. DYER: A bill (H. R. 24889) to require that the printing of records, which is done under the supervision of the clerks of the United States courts, shall be let annually upon competitive bids; to the Committee on the Judiciary.

By Mr. PALMER (by request): A bill (H. R. 24890) forbidding the use of the mails to fraternal organizations adopting names already employed by such organizations duly organized; to the Committee on the Judiciary.

By Mr. DAVENPORT: A bill (H. R. 24891) to establish public highways or roads along all section lines in the Seneca, Wyandotte, Ottawa, Eastern Shawnee, Peoria, West Miami, and Quapaw Tribe of Indians in the Quapaw Agency, in eastern Oklahoma, and for other purposes; to the Committee on Indian Affairs.

By Mr. NEELEY: A bill (H. R. 24892) authorizing the Secretary of the Interior to set aside certain lands to be used as a sanitarium by the Order of Owls; to the Committee on the Public Lands.

Also, a bill (H. R. 24893) to prohibit the use of titles already used by fraternal orders; to the Committee on the Judiciary.

By Mr. ANDERSON of Ohio: Resolution (H. Res. 553) authorizing the payment of a certain sum of money to Mabel Adler; to the Committee on Accounts.

By Mr. RODDENBERRY: Concurrent resolution (H. Con. Res. 53) to print 10,000 copies of Senate Document No. 219, Fifty-sixth Congress, second session; to the Committee on Printing.

By Mr. DONOHUE: Joint resolution (H. J. Res. 321) relative to observance of Memorial Day; to the Committee on Public Buildings and Grounds.

By Mr. CLARK of Missouri (by request): Memorial of the Legislature of the State of Arizona, favoring S. 3367, providing more liberal conditions under which land may be acquired by homesteaders; to the Committee on the Public Lands.

Also (by request), memorial of the Legislature of the State of Arizona, favoring legislation authorizing the State of Arizona to make land selections in lieu of selections already made and disposed of as mineral lands, etc.; to the Committee on the Public Lands.

Also (by request), memorial of the Legislature of the State of Arizona, praying Congress to call upon the Attorney General of the United States for contracts, correspondence, and papers relating to grants to the Pacific Gas & Electric Co.; to the Committee on Irrigation of Arid Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 24894) granting an increase of pension to Daniel Murphy; to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 24895) granting a pension to Elizabeth J. Legg; to the Committee on Invalid Pensions.

By Mr. COX of Indiana: A bill (H. R. 24896) granting an increase of pension to Zachariah T. Funk; to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 24897) to correct the military record of Richard Hogan; to the Committee on Military Affairs.

By Mr. DANIEL A. DRISCOLL: A bill (H. R. 24898) granting a pension to John Callahan; to the Committee on Invalid Pensions.

By Mr. MICHAEL E. DRISCOLL: A bill (H. R. 24899) for the relief of John W. Randall; to the Committee on Military Affairs.

By Mr. FIELDS: A bill (H. R. 24900) granting an increase of pension to Fanny M. Campbell; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 24901) granting a pension to Augusta A. Crommett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24902) granting an increase of pension to Mary L. Stone; to the Committee on Invalid Pensions.

By Mr. HARDWICK: A bill (H. R. 24903) granting an increase of pension to Mrs. Courtenay A. Stovall; to the Committee on Pensions.

By Mr. HULL: A bill (H. R. 24904) for the relief of the legal representatives of Alexander Harlin, deceased; to the Committee on War Claims.

By Mr. KAHN: A bill (H. R. 24905) granting an increase of pension to Ida M. Fiala; to the Committee on Pensions.

By Mr. LEWIS: A bill (H. R. 24906) for the relief of R. Jane Brewer; to the Committee on War Claims.

Also, a bill (H. R. 24907) granting compensation to Charles K. Remsburg; to the Committee on Claims.

By Mr. LINTHICUM: A bill (H. R. 24908) granting a pension to Ellen M. Leary; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24909) granting a pension to Thomas F. Murphy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24910) granting a pension to Joshua I. Cooksey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24911) granting a pension to Mary E. Dolan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24912) granting a pension to Susan M. Kinkead; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24913) granting a pension to Charles J. O'Brien; to the Committee on Pensions.

Also, a bill (H. R. 24914) granting a pension to Albert W. Barnes; to the Committee on Pensions.

Also, a bill (H. R. 24915) granting a pension to Mahala J. H. Johnson; to the Committee on Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 24916) granting an increase of pension to Alexander Sutherland; to the Committee on Invalid Pensions.

By Mr. NEELEY: A bill (H. R. 24917) granting a pension to Clyde N. Gregson; to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 24918) granting a pension to William Putnam; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 24919) for the relief of Lewis W. Crain; to the Committee on Military Affairs.

By Mr. STONE: A bill (H. R. 24920) granting an increase of pension to Robert O. Backus; to the Committee on Invalid Pensions.

By Mr. TOWNER: A bill (H. R. 24921) granting a pension to Elizabeth Nazworthy; to the Committee on Pensions.

By Mr. TUTTLE: A bill (H. R. 24922) for the relief of Samuel Baker; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AYRES: Petitions of the Immigration Restriction League, of Boston, Mass., and State Camp, Patriotic Order Sons of America, of North Carolina, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Protestant Episcopal Church, diocese of Washington, relative to garb worn by teachers and pupils in Government schools; to the Committee on Indian Affairs.

By Mr. BULKLEY (by request): Petitions of the World's Purity Federation and citizens of Cleveland, Ohio, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. CALDER: Petition of Mrs. Pence, of Brooklyn, N. Y., favoring passage of bill for the sanitary and medical uplift of the people of Alaska; to the Committee on the Territories.

Also, petition of the Richmond Chamber of Commerce, of Richmond, Va., relative to sentiment in favor of plan of monetary reform; to the Committee on Banking and Currency.

Also, resolutions of the Grand Army of the Republic, Department of Missouri, indorsing action of the Missouri Members of Congress in their efforts to secure for the members of the Enrolled Missouri Militia who rendered active service a pensionable status; to the Committee on Invalid Pensions.

Also, petition of the Central Labor Union of Brooklyn, N. Y., against passage of the Root amendment for deportation of aliens; to the Committee on Immigration and Naturalization.

Also, petition of Fielder & Hanan (Inc.), of New York City, N. Y., against passage of any bills for change in patent laws; to the Committee on Patents.

Also, petition of the Cleveland Chamber of Commerce, of Cleveland, Ohio, favoring support of House resolution 357, relative to collecting data relating to the loss of life and property by fire in the United States; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Prospect Heights Citizens' Association and the Manufacturers' Association, of Brooklyn, N. Y., favoring passage of the vocational educational bill, known as the Page bill; and of H. H. Holley, of Brooklyn, N. Y., favoring passage of Senate bill 6497, for Federal protection for migratory birds; to the Committee on Agriculture.

Also, resolution of the National Lumber Manufacturers' Association, favoring amendment to Sherman Antitrust Act; to the Committee on Foreign Affairs.

Also, petition of the Polk & Calder Drug Co., of New York City, N. Y., against passage of the Richardson drug bill (H. R. 14060), relative to regulation of the sale of drugs, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. CARY: Resolutions of the Immigration Restriction League, favoring passage of bills providing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. CALLAWAY: Resolution of the Immigration Restriction League, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. CRAGO: Petition of the Italo-American Alliance of the United States of America, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, resolution of the United States Civil Service Retirement Association of Washington, D. C., against five-year tenure of office clause in House bill 24023; to the Committee on Appropriations.

Also, resolution of David Wilson Camp, No. 59, United Spanish War Veterans, of Poughkeepsie, N. Y., favoring passage of

House bill 11169, for pensions for widows and minor children of Spanish War veterans; to the Committee on Pensions.

Also, resolution of the Richmond (Va.) Chamber of Commerce, favoring a revision of our currency system; to the Committee on Banking and Currency.

Also, resolutions of the Immigration Restriction League and State Camp, Patriotic Order Sons of America, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. DOREMUS: Resolution of Michigan Lodge, No. 111, Order B'rith Abraham, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of citizens of Detroit, Mich., against passage of the Root amendment, for deportation of aliens; to the Committee on Immigration and Naturalization.

By Mr. DYER: Petition of the St. Louis Red Cross Society, St. Louis, Mo., favoring passage of House bill 16844—the Campbell bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the International Association of Machinists, Washington, D. C., favoring passage of amendment to be offered to the naval appropriation bill, to prevent enlisted men to be used to repair ships, etc.; to the Committee on Naval Affairs.

By Mr. ESCH: Petition of the Immigration Restriction League favoring passage of Senate bill 3175, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of numerous merchants of Gardner, La Salle, Yorkville, and Marseilles, Ill., in opposition to passage of legislation to establish a parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of the First Lutheran Church, Rockford, Ill., favoring the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the National Lumber Manufacturers' Association, favoring free use of the Panama Canal by American ships; to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Lumber Manufacturers' Association, relative to improvement of the United States Diplomatic and Consular Service; to the Committee on Foreign Affairs.

Also, petition of J. H. R. Story, Philadelphia, Pa., favoring passage of House bill 1339, for granting increase of pension to veterans who lost an arm or leg in the Civil War; to the Committee on Invalid Pensions.

Also, petition of Chapin & Gore, Chicago, Ill., against the passage of Senate bill 5461, relating to the granting of licenses for barrooms in the District of Columbia, etc.; to the Committee on the District of Columbia.

By Mr. GOLDFOGLE: Petitions of Plimpton, Cowan & Co., of Buffalo, N. Y.; Lehre & Fink, of New York; and Polk & Calder Drug Co., of Troy, N. Y., protesting against the passage of the Richardson drug bill (H. R. 14060); to the Committee on Interstate and Foreign Commerce.

Also, petition of the International Phonograph Co., New York, protesting against any change in the patent laws that might effect price maintenance; to the Committee on Patents.

Also, petition of the National Lumber Manufacturing Association, Cincinnati, Ohio, relative to amending the Sherman antitrust laws; to the Committee on Foreign Affairs.

Also, petitions of the American Association of Foreign Language Newspapers, New York; the Italo-American Alliance of the United States of America; Paul Brown Lodge, No. 421, United States Grand Lodge, Order B'rith Abraham, New York; Jewish branch of the Socialist Party of New York, N. Y.; Ladies' Waist and Dressmakers' Union, Local No. 25, I. L. G. W. U.; Eben Israel Lodge, No. 69, United States Grand Lodge, Order B'rith Abraham, New York; Jarozlaus Lodge, No. 21, Independent Order B'rith Abraham, New York, protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petitions of Julius Blumberg, New York, N. Y.; E. William Sweeney, New York, N. Y.; H. M. Marks & Co., Chicago, Ill.; William H. Enhaus & Son, New York, N. Y.; and Blackman-Ross Co., New York, N. Y., protesting against any change in the present patent laws that might affect price maintenance; to the Committee on Patents.

Also, petition of the United Anglers' League, Brooklyn, N. Y., relative to the commercial fish around New York; to the Committee on the Merchant Marine and Fisheries.

By Mr. GOULD: Resolutions of the Immigration Restriction League of Boston, Mass., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the International Brotherhood of Stationary Firemen, No. 270, favoring passage of Senate bill 5474 and House bill 19133, for postal-express service; to the Committee on Interstate and Foreign Commerce.

By Mr. GUERNSEY: Petition of Pine Tree Lodge, No. 500, of Bangor, Me., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. HAYDEN: Petition of the Legislature of the State of Arizona, relating to mineral lands included within the Colorado River Indian Reservation; to the Committee on Indian Affairs.

By Mr. KAHN: Petition of Lodge No. 325 and Lodge No. 166, Order B'rith Abraham, San Francisco, Cal., protesting against restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of F. C. Drew, San Francisco, Cal., favoring passage of the Sulzer diplomatic establishment bill; to the Committee on Foreign Affairs.

Also, petition of the Shipowners' Association of the Pacific Coast, San Francisco, Cal., opposing passage of House bill 21100, relative to United States district courts; to the Committee on the Judiciary.

Also, petition of Wolff & Dolan, San Francisco, Cal., in opposition to the Oldfield bill relative to price maintenance; to the Committee on Patents.

Also, petition of C. Shilling & Co., San Francisco, Cal., opposing the passage of Senate bill 5461, for regulating liquor traffic in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of the Dried Fruit Association of California, San Francisco, Cal., in opposition to cut in appropriation for State Department; to the Committee on Appropriations.

Also, petition of John Polikarpoff and five others of San Francisco, Cal., protesting against the Root amendment to the immigration bill, subjecting any alien liable to deportation who conspires with others to overthrow a foreign government; to the Committee on Immigration and Naturalization.

By Mr. LEVY: Petition of the Workmen's Circle, New York, and the Italo-American Alliance of the United States of America, Philadelphia, protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Richmond Chamber of Commerce, Richmond, Va., relative to a more adequate monetary system; to the Committee on Banking and Currency.

Also, petition of J. E. Rhoads & Sons, New York, relative to House bill 16844, requiring the manufacturer's name on all goods; to the Committee on Interstate and Foreign Commerce.

Also, petition of Williams & Humbert, New York, protesting against the Works bill (S. 2309); to the Committee on the Judiciary.

Also, petition of the New York State Vegetable Growers' Association, Ithaca, N. Y., favoring passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of the North Side Board of Trade, of New York, relative to the improvement of the Bronx Kills, Harlem River, and East River, N. Y.; to the Committee on Rivers and Harbors.

Also, petition of the United Anglers' League, Brooklyn, N. Y., relative to the commercial fish around New York and adjacent States; to the Committee on the Merchant Marine and Fisheries.

By Mr. LINDSAY: Petition of the United States Maimed Soldiers' League, of Philadelphia, Pa., favoring passage of House bill 1339, for increasing pension of veterans who lost an arm or leg in the Civil War; to the Committee on Invalid Pensions.

Also, petition of the Immigration Restriction League of Boston, Mass., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. MATTHEWS: Resolution of the Immigration Restriction League, favoring passage of Senate bill 3175, providing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. MAHER: Petition of the Immigration Restriction League, favoring passage of Senate bill 3175, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. MARTIN of South Dakota: Petition of the Immigration Restriction League, of Boston, Mass., favoring passage of House bill 22527 for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. McDERMOTT: Resolutions of citizens and the city council of Chicago, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolution of the Women's Trade Union League of Chicago, Ill., favoring passage of House bill 11372—the seamen's bill—for protection of life at sea; to the Committee on the Merchant Marine and Fisheries.

By Mr. McKENZIE: Petitions of business men of Chadwick, Polo, Killedgeville, Byron, Pawpaw, Lee, Leaf River, Amboy,

and Sublette, Ill., protesting against any parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of business men of Polo, Ill., favoring the giving of the Interstate Commerce Commission further power toward regulating the express rates and classifications; to the Committee on Interstate and Foreign Commerce.

By Mr. MCGILLICUDDY: Petition of Androscoggin Council, No. 74, Livermore Falls, Me., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Brotherhood of Locomotive Engineers favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of citizens of Rumford, Me., favoring passage of Senate bill 5474 and House bill 19133 for postal-express system; to the Committee on Interstate and Foreign Commerce.

By Mr. MOTT: Petition of the North Carolina Patriotic Order Sons of America favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of priests and lay delegates of the Episcopal Diocese of Central New York favoring bill for improving conditions of people of Alaska; to the Committee on the Territories.

Also, resolution of the Manufacturers' Association of New York, in favor of passage of vocational education bill; to the Committee on Agriculture.

By Mr. MORGAN: Petition of the session of the First Presbyterian Church, Oklahoma City, for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. MOON of Tennessee: Papers to accompany bill granting an increase of pension to Alexander Sutherland, of Tennessee; to the Committee on Invalid Pensions.

By Mr. NEEDHAM: Petition of the Sierra Madre Board of Trade, relative to appropriation for fighting the Mediterranean fly; to the Committee on Agriculture.

Also, petition of the Shipowners' Association of the Pacific Coast, relative to the district courts of the United States; to the Committee on the Judiciary.

Also, petition of the Southern Sociological Congress, Nashville, Tenn., favoring the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the Brotherhood of Locomotive Engineers, Harrisburg, Pa., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Sarah Ann Jagers Auxiliary, No. 19, United Spanish War Veterans, of Fresno, Cal., favoring passage of House bill 17470, for pensioning the widows of Spanish-American War veterans; to the Committee on Pensions.

Also, petition of the Long Beach Chamber of Commerce, protesting against the passage of House bill 11372, prohibiting the towing of log rafts in the open sea; to the Committee on the Merchant Marine and Fisheries.

By Mr. NYE: Petition of citizens of Minneapolis, Minn., protesting against the Root amendment, making any alien liable to deportation who conspires a violent overthrow of a foreign government; to the Committee on Immigration and Naturalization.

By Mr. POST: Petition of the Immigration Restriction League of Boston, Mass., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. PATTEN of New York: Petition of citizens of New York City and the Immigration Restriction League of Boston, Mass., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. PALMER: Resolution of the Erie Chamber of Commerce, of Erie, Pa., favoring passage of House bill 357; to the Committee on Interstate and Foreign Commerce.

By Mr. ROBERTS of Massachusetts: Petition of citizens of the State of Massachusetts, favoring passage of House bill 22339 and Senate bill 6172, the anti-Taylor system bills, against the stop watch for employees of the Government; to the Committee on the Judiciary.

By Mr. SABATH: Resolutions of Captain Dreyfuss Lodge, No. 165, Order B'rith Abraham; the Polish National Alliance of the United States of North America; and the Association of Jewish Women of Chicago, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. SCULLY: Petition of the Daughters of Liberty of Tuckerton and Asbury, N. J., favoring passage of House bill

22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. STEPHENS of California: Petition of the Sophia Yacht Club, Avalon, Catalina Island, Cal., protesting against passage of bill requiring motor boats to have both a licensed pilot and engineer; to the Committee on the Merchant Marine and Fisheries.

Also, petition of William Thum, mayor of Pasadena, Cal., favoring continuance of the bureau of efficiency; to the Committee on Appropriations.

Also, petition of the Long Beach Chamber of Commerce, protesting against passage of House bill 11372, for prohibiting the towing of log rafts in the open sea; to the Committee on the Merchant Marine and Fisheries.

By Mr. SULLOWAY: Petition of the Polish Societies of Manchester, N. H., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Daughters of Liberty of Gossville, N. H., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Woman's Christian Temperance Union of Stratham, N. H., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of Storer Post, Grand Army of the Republic, Portsmouth, N. H.; Albert M. Perkins Post, Grand Army of the Republic, Epping, N. H.; and George S. Cram Post, Grand Army of the Republic, Meredith, N. H., favoring passage of House bill 14070, for increasing pensions for deafness; to the Committee on Invalid Pensions.

By Mr. TILSON: Petition of the Hartford Central Labor Union, of Hartford, Conn., favoring passage of the Campbell bill (H. R. 16844), to compel manufacturers of foodstuffs to place their names and addresses upon all goods manufactured by them; to the Committee on Interstate and Foreign Commerce.

By Mr. WOOD of New Jersey: Resolutions of the Trenton (N. J.) Chamber of Commerce, favoring passage of House bill 17736 and Senate bill 4308, providing for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Trenton, N. J., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of the congregation Anshe Chased, of Somerville, N. J., against passage of bills providing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petitions of members of Local Union No. 540, Carmen's Union, and Local Union No. 228, Journeymen Tailors, of Trenton, N. J., favoring passage of House bill 22339 and Senate bill 6172, known as the anti-Taylor system bills; to the Committee on the Judiciary.

By Mr. YOUNG of Texas: Petition of John O'Byrne and other citizens of Gregg and Upshur Counties, Tex., favoring passage of the old-age pension bill; to the Committee on Pensions.

Also, resolution of the Immigration Restriction League of Boston, Mass., favoring passage of Senate bill 3175, restricting immigration; to the Committee on Immigration and Naturalization.

SENATE.

TUESDAY, May 28, 1912.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BORAH and by unanimous consent, the further reading was dispensed with and the Journal was approved.

Mr. HEYBURN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Idaho suggests the absence of a quorum, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Martin, Va.	Sanders
Bacon	Curtis	Myers	Simmons
Borah	Fall	Nelson	Smith, Ariz.
Bourne	Foster	Newlands	Smith, Ga.
Brandegee	Gallinger	Nixon	Smith, S. C.
Bristow	Gardner	O'Gorman	Smoot
Bryan	Gronna	Oliver	Stephenson
Burnham	Guggenheim	Overman	Sutherland
Burton	Heyburn	Page	Thornton
Chamberlain	Johnston, Ala.	Percy	Tillman
Chilton	Jones	Perkins	Townsend
Clark, Wyo.	Lippitt	Pomerene	Warren
Clarke, Ark.	Lodge	Rayner	Watson
Culberson	McCumber	Richardson	
Cullom	McLean	Root	

Mr. JONES. I desire to announce that my colleague [Mr. POINDEXTER] is unavoidably detained from the Senate.

The VICE PRESIDENT. Fifty-eight Senators have answered to the roll call. A quorum of the Senate is present.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The VICE PRESIDENT announced his signature to the following enrolled bills and joint resolution, which had previously been signed by the Speaker of the House of Representatives:

S. 5930. An act to extend the time for the completion of dams across the Savannah River by authority granted Twin City Power Co. by an act approved February 29, 1908;

H. R. 14083. An act to create a new division of the southern judicial district of Texas and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for other purposes;

H. R. 17029. An act authorizing the Secretary of War to convert the regimental Army post at Fort Oglethorpe into a brigade post;

H. R. 20586. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. J. Res. 142. Joint resolution to declare and make certain the authority of the Attorney General to begin and maintain and of any court of competent jurisdiction to entertain and decide a suit or suits for the purpose of having judicially declared a forfeiture of the rights granted by the act entitled "An act granting the Washington Improvement & Development Co. a right of way through the Colville Indian Reservation, in the State of Washington," approved June 4, 1898.

REPORT OF NAVAL BOARD (S. DOC. NO. 725).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 23d instant, certain information relative to the appointment of a board to consider the question of transferring certain offices of the Navy Department to the Department of Commerce and Labor, which, with the accompanying paper, was referred to the Committee on Naval Affairs and ordered to be printed.

JOSEPH M. PADGETT v. UNITED STATES (S. DOC. NO. 724).

The VICE PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion of law filed by the court in the cause of Joseph M. Padgett v. United States (Washington Navy Yard), which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had agreed to the amendments of the Senate to the joint resolution (H. J. Res. 319) making appropriations to supply deficiencies in the appropriations for contingent expenses of the House of Representatives for the fiscal year 1912, and for other purposes.

The message also transmitted to the Senate resolutions of the House on the life, character, and public services of JAMES P. LATTA, late a Representative from the State of Nebraska.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the congregation of the Dingman's Methodist Episcopal Church, of Delaware, Pa., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. CULLOM presented a petition of the Chamber of Commerce of Quincy, Ill., praying for the enactment of legislation to provide for the preparation and printing of a national directory of commercial organizations of the United States, which was referred to the Committee on Manufactures.

He also presented a memorial of the Silver Crown Building & Loan Association, of Chicago, Ill., remonstrating against the enactment of legislation levying a special excise tax on building and loan associations, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Hillside, Ill., praying for the enactment of legislation to prohibit the use of insignia and garb of any denomination in the Indian public schools, which was referred to the Committee on Indian Affairs.

He also presented a petition of sundry members of the Ladies of the Maccabees of the World, residents of Chicago, Ill., praying for the enactment of legislation granting to the publications of fraternal associations the privileges of second-class mail matter, which was referred to the Committee on Post Offices and Post Roads.